



भारत सरकार
दिनांक 25-4-03

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 11]

नई दिल्ली, शनिवार, मार्च 15, 2003/फाल्गुन 24, 1924

No. 11]

NEW DELHI, SATURDAY, MARCH 15, 2003/PHALGUNA 24, 1924

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्रभारी
रा० वि० एकक

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त एवं कम्पनी कार्य मंत्रालय
(राजस्व विभाग)
आदेश
नई दिल्ली, 10 फरवरी, 2003
स्टाम्प

का.आ. 852.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. एल्कोबेक्स मेटल्स लिमिटेड, नई दिल्ली को मात्र तीन लाख सत्तानबे हजार पांच सौ पैतालीस रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले, मात्र पांच करोड़ तीस लाख छः हजार रुपये के समग्र मूल्य के विमोच्य सुरक्षित ऐच्छिक रूप से परिवर्तनीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 2/2003-स्टाम्प/फा.सं. 33/1/2003-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE AND COMPANY AFFAIRS
(Department of Revenue)

ORDER

New Delhi, the 10th February, 2003

STAMPS

S.O. 852.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government

hereby permits M/s. Alcobex Metals Limited, New Delhi to pay consolidated stamp duty of rupees three lakh ninety seven thousand five hundred forty five only chargeable on account of the stamp duty on Redeemable Secured optionally Convertible Debentures aggregating to rupees five crore thirty lakh six thousand only, to be issued by the said company.

[No. 2/2003-Stamp/F.No. 33/1/2003-ST]
R. G. CHHABRA, Under Secy.

आदेश
नई दिल्ली, 14 फरवरी, 2003
स्टाम्प

का.आ. 853.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय औद्योगिक विकास बैंक, मुम्बई को मात्र पांच करोड़ पैतालीस लाख तिरानबे हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र पांच सौ पैतालीस करोड़ तिरानबे लाख बीस हजार रुपये के समग्र मूल्य के प्रोमिसरी नोटों के स्वरूप में आई डी बी आई फ्लैक्सी बाण्ड-16 (1057802 बाण्ड भौतिक रूप में तथा 14062 बाण्ड डिमैटरलाइज्ड रूप में) के रूप में वर्णित बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 3/2003-स्टाम्प/फा.सं. 33/2/2003-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 14th February, 2003

STAMPS

S.O. 853.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Industrial Development Bank of India, Mumbai to pay consolidated stamp duty of rupees five crore thirty five lakh ninety three thousand two hundred only chargeable on account of the stamp duty on bonds described as IDBI Flexibonds-16 (1057802 bonds in physical form and 14062 bonds in dematerialised form) in the nature of promissory notes aggregating to rupees five hundred thirty five crore ninety three lakh twenty thousand only, to be issued by the said Bank.

[No. 3/2003-Stamp/F. No. 33/2/2003-ST]
R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 20 फरवरी, 2003

स्टाम्प

का.आ. 854.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो उक्त अधिनियम के तहत राष्ट्रीय सहकारी विकास निगम, नई दिल्ली द्वारा दिनांक 15-01-1997 को जारी किए गए मात्र तिरसठ करोड़ उन्नीस लाख पचास हजार रुपये के समग्र मूल्य के 13.85 प्रतिशत एनसीडीसी बंधपत्र-2007 (39वीं श्रृंखला) तथा दिनांक 31-01-1996 और 22-03-1996 को जारी किए गए मात्र बावन करोड़ रुपये के समग्र मूल्य के 14 प्रतिशत एनसीडीसी बंधपत्र-2006 (37वीं एवं 38वीं श्रृंखला) के रूप में वर्णित प्रोमिसरी नोटों के स्वरूप में बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 4/2003-स्टाम्प/फा.सं. 33/69/2002-बि.क.]

अभय त्रिपाठी, निदेशक (बिक्री कर)

ORDER

New Delhi, the 20th February, 2003

STAMPS

S.O. 854.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 14% NCDC Bonds—2006 (37th and 38th Series) aggregating to rupees fifty two crores only issued on 31-01-1996 and 22-03-1996 and 13.85% NCDC Bonds—2007 (39th Series) aggregating to rupees sixty three crore forty nine lakh fifty thousand only issued on 15-01-1997 by National Cooperative Development Corporation, New Delhi are chargeable under the said Act.

[No. 4/2003-Stamp/F. No. 33/69/2002-ST]

ABHAY TRIPATHI, Director (Sales Tax)

सीमा शुल्क आयुक्त कार्यालय
अन्तर्देशीय कन्टेनर डिपो, तुगलकाबाद
नई दिल्ली, 5 मार्च, 2003

सं. 01/2003

विषय:— सीमा शुल्क अधिनियम की धारा 8 के अन्तर्गत आई. सी.डी., रेवाड़ी, हरियाणा को सीमा शुल्क क्षेत्र के रूप के घोषणा तथा सीमा शुल्क अधिनियम, 1962 की धारा 45 के अन्तर्गत मैसर्स एच. डब्ल्यू. सी. पंचकुला को माल के धारक के रूप में नियुक्त करना-बाबत

का.आ. 855.—सीमा शुल्क अधिनियम, 1962 की धारा 8 के अन्तर्गत मुझे प्रदत्त शक्तियों का प्रयोग करते हुए मैं, ए. के. राहा, आयुक्त, सीमा शुल्क, आई. सी. डी., तुगलकाबाद, नई दिल्ली एतद्वारा निम्न क्षेत्र को अनुमोदित एवं अधिसूचित करता हूँ (जिसकी चारदीवारी एवं सीमाएं नीचे दी गयी हैं) जो अन्तर्देशीय कन्टेनर डिपो, रेवाड़ी के संबंध में कार्गो की लदान व खाली करने के लिए सीमा शुल्क क्षेत्र के रूप में हरियाणा वेयर हाउसिंग कॉर्पोरेशन, रेवाड़ी, हरियाणा में स्थित है।

पोर्ट	कुलक्षेत्र	सीमाएं
आई.सी.डी. रेवाड़ी, हरियाणा	19818.46 वर्ग मी.	(अ) उत्तर: वर्तमान एच. डब्ल्यू. सी. गोदाम। (ब) दक्षिण: मैं हरियाणा वेयर हाउसिंग से संबंधित बादल रोड की ओर खुला क्षेत्र (स) पूर्व: वर्तमान एच. डब्ल्यू. सी. गोदाम। (द) पश्चिम: मैसर्स एच. डब्ल्यू. सी. की दिल्ली-जयपुर रेलवे लाइन की ओर खुली जमीन। उपर्युक्त के अन्तर्गत निर्यात शेड के रूप में 58 X 29.16 मीटर माप की घिरी सीमाओं का शेड है और आयात शेड माप 58 X 29.26 का है।

उपरोक्त वर्णित (सीमा शुल्क क्षेत्र) का मुख्य प्रवेश द्वार दक्षिण की ओर खुलता है।

सीमा शुल्क अधिनियम, 1962 की धारा 45 के अन्तर्गत मुझे प्रदत्त शक्तियों का आगे प्रयोग करते हुए मैं, ए. के. राहा, आयुक्त सीमा शुल्क, आई. सी. डी. तुगलकाबाद, नई दिल्ली एतद्वारा मैसर्स हरियाणा वेयर हाउसिंग कॉर्पोरेशन, पंचकुला, हरियाणा को इस अधिसूचना के जारी होने की तिथि से अगामी पाँच वर्षों के लिए आयातित/निर्यात माल के अभिरक्षक के रूप में अनुमोदित एवं नियुक्त करता हूँ। सीमा शुल्क अधिनियम 1962 के चैप्टर-8 के प्रावधानों के अनुसार जब तक आयातित मालों का घरेलू खपत या भंडारण या परिवहन के लिए निस्तारण नहीं हो जाता तब तक उक्त मैसर्स आई. सी. डी. रेवाड़ी पर आयातित माल की प्राप्ति के अभिरक्षक के रूप में रहेगा। इसी प्रकार मैसर्स हरियाणा वेयर हाउसिंग कॉर्पोरेशन, पंचकुला, हरियाणा भंडारण, लेखा-जोखा, सीमा शुल्क परीक्षण, परिवहन एवं गेट पर सीमा शुल्क मुहरबन्द कंटेनरों की सुरक्षित सुपुर्दगी या अग्रिम लदान के लिए आई. सी. डी. रेवाड़ी के अन्तर्गत लाये गये निर्यातित कार्गो के अभिरक्षक भी रहेंगे। मैसर्स हरियाणा वेयर हाउसिंग कॉर्पोरेशन, पंचकुला, हरियाणा को माल के धारक के रूप में सीमा शुल्क अधिनियम 1962 की धारा 45 की उपधारा (2) के प्रावधानों के साथ-साथ समय-समय पर इस संबंध में जारी नियमों, नियमावली व निर्देशों की भी अनुपालना करनी होगी।

[मि.सं. VIII(आई.सी.डी.) तुगलकाबाद/पोलिसी/रेवाड़ी/2003]

ए. के. राहा, आयुक्त

**OFFICE OF THE COMMISSIONER OF CUSTOMS
(ICDS) TUGHLAKABAD**

New Delhi, the 5th March, 2003

No. 01/2003

SUB:— Declaration of ICD at Rewari (Haryana) as Customs Area Under Section-8 of the Customs Act and Appointment of Ms/ HWC, Panchkula as custodian of goods under Section-45 of Customs Act, 1962

S.O. 855.—In exercise of the powers conferred upon me under Section 8 of the Customs Act, 1962, I, A.K. Raha, Commissioner of Customs, ICD, Tughlakabad, New Delhi hereby approve and notify the following area, whose boundaries and limits are given below, located at Haryana Warehousing Corporation at Rewari (Haryana) as Customs area for loading/unloading of cargo in respect of the Inland Container Depot at Rewari:—

Port	Total Area	Boundaries
ICD, Rewari Haryana	19818.46 Sq.m.	(a) North:—Existing HWC godown (b) South:—Open area belonging to M/s Haryana Warehousing towards Bawal Road. (c) East:—Existing HWC godown. (d) West:—Open land of M/s HWC towards Delhi Jaipur Railway line. Out of above, a covered area measuring 58x29.16 mt is demarcated as export shed and 58 x 29.26 is demarcated as Import shed.

The main entrance gate of the above mentioned complex (Customs Area) open towards south.

Further, in exercise of the powers conferred upon me under Section 45 of the Customs Act, 1962, I, A.K. Raha, Commissioner of Customs, ICD, Tughlakabad, New Delhi hereby approve and appoint M/s Haryana Warehousing Corporation, Panchkula (Haryana) for a period of five years from the date of issue of this notification to be the Custodian of imported goods received in containers at ICD (Rewari) and/or transshipped to ICD, Rewari until these are cleared for home consumption or are warehoused or are transshipped in accordance with the provisions of Chapter-VIII of the Customs Act, 1962. Similarly M/s Haryana Warehousing Corporation, Panchkula (Haryana) will also be custodian of Export cargo brought into ICD, Rewari for stuffing, accountal, customs examination transportation and safe delivery of the customs sealed containers at the Gateway Port for onward shipment. M/s Haryana Warehousing Corporation, Panchkula (Haryana), as the custodian of goods shall be required to comply with the provisions of sub-section (2) of Section-45 as also the section of the Customs Act, 1962 as well as Rules, Regulations and instructions issued in this regard from time to time.

[File No. VIII/ICD/TKD/Policy/Rewari/03]

A.K. RAHA, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 7 मार्च, 2003

का.आ. 856.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उप-खंड (1) और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री पी० ए० सेठी, इस समय बैंक ऑफ बड़ौदा में महाप्रबंधक, को उनके कार्यभार ग्रहण करने की तारीख से 31 अक्टूबर, 2004 अर्थात् जिस माह में वह अधिवर्षिता की आयु प्राप्त करेंगे, उसके अन्तिम दिन तक की अवधि के लिए विजया बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा० सं० 9/24/2002-बीओ-1]

आलोक कुमार, निदेशक

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 7th March, 2003

S.O. 856.—In exercise of the powers conferred by clause (e) of Sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with Sub-clause (1) of Clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous provisions) Scheme, 1980, the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri P.A. Sethi, presently General Manager, Bank of Baroda as a whole time director (designated as the Executive Director) of Vijaya bank with effect from the date of taking charge of the post and upto 31st October, 2004 i.e. the last day of the month in which he would attain the age of superannuation or until further orders.

[F. No. 9/24/2002-B.O.-I]

ALOK KUMAR, Director

भारी उद्योग और लोक उद्यम मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 26 फरवरी, 2003

का.आ. 857.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम-10 के उप नियम-4 के अनुसरण में, निम्नलिखित कार्यालय को, जिसके 80 प्रतिशत से अधिक, कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

नगांव पेपर मिल

मौरी गांव, जागी रोड,

कागज नगर-782413 (असम)

[सं० ई-11012/1/2001-हिन्दी]

आर. के. सिंह, अवर सचिव

MINISTRY OF HEAVY INDUSTRY AND PUBLIC ENTERPRISES

(Department of Heavy Industry)

New Delhi, the 26th February, 2003

S.O. 857.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purposes of the union) Rules, 1976, the Central Government hereby notifies the following office whereof more than 80% of staff have acquired the working knowledge of Hindi :—

Nagaon Paper Mill
Maurigaon, Jagi Road,
Kagaj Nagar - 782413 (Assam).

[No. E-11012/1/2001-Hindi]

R.K. SINGH, Under Secy.

कृषि मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 5 मार्च, 2003

का.आ. 858.—केन्द्रीय सरकार, कृषि मंत्रालय, कृषि अनुसंधान तथा शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, भारतीय कृषि अनुसंधान परिषद के निम्नलिखित कार्यालयों में हिंदी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है :—

1. राष्ट्रीय पशु आनुवंशिक संसाधन ब्यूरो, करनाल
2. राष्ट्रीय मृदा सर्वेक्षण एवं भूमि उपयोग नियोजन ब्यूरो, पूसा, नई दिल्ली।
3. राष्ट्रीय मृदा सर्वेक्षण एवं भूमि उपयोग नियोजन ब्यूरो, क्षेत्रीय केंद्र, उदयपुर।

[सं० 13-2/2002-हिन्दी]

एम. सी. चांद, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research and Education)

New Delhi, the 5th March, 2003

S.O. 858.—In pursuance of sub-rule (4) of rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government Ministry of Agriculture, Department of Agriculture Research and Education hereby notifies the following offices the Indian Council of Agricultural Research where the percentage of Hindi knowing staff has gone above 80%.

1. National Bureau of Animal Genetic Resources, Karnal (Haryana)
2. National Bureau of Soil Survey and Land Use Planning, Regional Centre, Delhi.
3. National Bureau of Soil Survey and Land Use Planning, Regional Centre, Udaipur.

[No. 13-2/2002-Hindi]

M. C. CHAND, Under Secy.

(कृषि और सहकारिता विभाग)

नई दिल्ली, 7 मार्च, 2003

का.आ. 859.—केन्द्रीय सरकार बहु-राज्य सहकारी समिति अधिनियम, 2002 (2002 का 39) की धारा 4 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार की अधिसूचना सं. एल-11012/1/85-एल एंड एम दिनांक 6 अक्टूबर, 1999 का अधिक्रमण करते हुए एतद्वारा कृषि मंत्रालय, कृषि एवं सहकारिता विभाग में मुख्य निदेशक श्री जे. पी. मीना, आई.ए.एस. (ए.एम. 83) को आगामी आदेशों तक के लिए केन्द्रीय पंजीयक, सहकारी समितियों के पद पर नियुक्त करती है।

[सं० एल-11012/2/2003-एल. एंड एम.]

एस.आर. गोयल, अवर सचिव

(Department of Agriculture and Cooperation)

New Delhi, the 7th March, 2003

S.O. 859.—In exercise of the powers conferred vide sub-section (i) of Section 4 of the Multi-State Cooperative Societies Act, 2002 (39 of 2002) and in supersession of the Government of India Notification No. L-11012/1/85-L&M, dated 6th October, 1999, the Central Government hereby appoints Shri J.P. Meena, IAS (AM : 83), Chief Director (Cooperation) in the Ministry of Agriculture, Department of Agriculture and Cooperation, as the Central Registrar of Cooperative Societies till further orders.

[No. L-11012/2/2003-L&M]

S. R. GOYAL, Under Secy.

कोयला और खान मंत्रालय

(कोयला विभाग)

नई दिल्ली, 11 मार्च, 2003

का.आ. 860.—केन्द्रीय सरकार, कोयला खान भविष्य निधि स्कीम, 1948 के पैरा 4 के साथ पठित कोयला खान भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 3क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के कोयला विभाग की अधिसूचना सं. का. आ. 2542, तारीख 2 सितम्बर, 1999 में, जो राजपत्र के भाग II, खंड 3, उपखंड (ii) में तारीख 11 सितम्बर, 1999 को प्रकाशित की गई थी, निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, क्र. सं. 6 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्र. सं. और प्रविष्टियां रखी जाएंगी, अर्थात् :—

“6. सचिव (खान) —सदस्य”

झारखंड सरकार,

रांची, झारखंड,

पिनकोड सं. 834001

[फा. सं. 20/36/98-एसओ/पीआरआई डब्ल्यू]

संजय बहादुर, उप सचिव

MINISTRY OF COAL AND MINES**(Department of Coal)**

New Delhi, the 11th March, 2003

S.O. 860.—In exercise of the powers conferred by sub-section (1) of Section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), read with paragraph 4 of the Coal Mines Provident Fund Scheme, 1948, the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Coal, number S.O. 2542, dated the 2nd September, 1999 published in Part II, Section 3, Sub-section (ii) dated the September 11, 1999 namely :—

In the said notification for serial No. 6 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

- “6. Secretary (Mines). —Member”
Government of Jharkhand,
Ranchi, Jharkhand.
Pin Code No. 834001.

[F. No.20/36/98-ASO/PRIW]

SANJAY BAHADUR, Dy. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

आदेश

नई दिल्ली, 20 फरवरी, 2003

का.आ. 861.—केन्द्रीय सरकार, बाट और माप मानक (असाधारण) नियम, 1987 के नियम 23 के साथ पठित बाट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 22 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय अन्तरिक्ष अनुसंधान संगठन (भा. अं. अ. सं.) बंगलौर को, अनन्तः अपने वैज्ञानिक अन्वेषण तथा अनुसंधान के प्रयोजन के लिए, राजपत्र में इस आदेश के प्रकाशन को तारीख से एक वर्ष की अवधि के भीतर मैसर्स वे इंडिया लिमिटेड, प्लॉट सं. 137, फंक्शनल इंडस्ट्रियल एस्टेट पटपड़गंज, नई दिल्ली-110072 द्वारा विनिर्मित निम्नलिखित गैर-मानक बाट प्राप्त करने के लिए अनुज्ञा करती है, अर्थात् :—

ढलवां लौह बाट :

- (i) 2000 कि. ग्रा.—1;
- (ii) 1000 कि. ग्रा.—1;
- (iii) 500 कि. ग्रा.—1;
- (iv) 200 कि. ग्रा.—2; और
- (v) 100 कि. ग्रा.—1;

यह अनुज्ञा निम्नलिखित निबंधनों तथा शर्तों के अधीन रहते हुए अनुदत्त की जाती है, अर्थात् :—

- (1) उपरोक्त मद (i) से (iv) में यथा विनिर्दिष्ट कोई गैर-मानक बाट विनिर्माता फर्म द्वारा भारतीय अन्तरिक्ष अनुसंधान संगठन, बंगलौर से भिन्न किसी व्यक्ति या अभिकरण को विक्रय या अन्यथा वितरित नहीं किए जाएंगे;
- (2) विनिर्माता फर्म इसके द्वारा विनिर्मित तथा भारतीय अन्तरिक्ष अनुसंधान संगठन, बंगलौर को प्रदाय किए गए गैर मानक बाटों की मात्रा के बारे में एक विवरण, कैलेंडर वर्ष के अन्त में, केन्द्रीय सरकार को प्रस्तुत करेगी; और

- (3) विनिर्माता फर्म इसके द्वारा विनिर्मित ऐसे गैर-मानक बाटों की संख्या और स्टॉक में या उत्पादनाधीन गैर-मानक बाटों की संख्या का एक मासिक अभिलेख रखेगा। इस प्रकार रखा गया अभिलेख केन्द्रीय सरकार द्वारा इस निमित्त प्राधिकृत अधिकारी द्वारा निरीक्षण के लिए रखा जाएगा।

[फा. सं. डब्ल्यू एम 21(22) 2001-पीटी]

सतवन्त रेड्डी, अपर सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****ORDER**

New Delhi, the 20th February, 2003

S.O. 861.—In exercise of the powers conferred by the proviso to section 22 of the Standards of Weights and Measures Act, 1976 (60 of 1976) read with rule 23 the Standards of Weights and Measures (General) Rules, 1987, the Central Government hereby permits the Indian Space Research Organisation (ISRO), Bangalore to get, exclusively for the purpose of its scientific investigation and research, the following non-standard weights manufactured by M/s. Weigh India Limited, Plot No. 137, Functional Industrial Estate, Patparganj, New Delhi-110072, within a period of one year from the date of publication of this Order in the Official Gazette, namely :—

Cast Iron Weight :

- (i) 2000 kg—1 number;
- (ii) 1000 kg—1 number;
- (iii) 500 kg—1 number;
- (iv) 200 kg—2 numbers; and
- (v) 100 kg—1 number.

This premission is granted subject to the following terms and conditions, namely :—

- (1) No non-standard weights as specified in items (1) to (v) above shall be sold or otherwise distributed by the manufacturing firm to any person or agency other than the Indian Space Research Organisation, Bangalore.
- (2) The manufacturing firm shall submit to the Central Government, at the end of the calendar year, a statement as to the quantity of the non-standard weights manufactured by it and supplied to Indian Space Research Organisation, Bangalore; and
- (3) The manufacturing firm shall maintain a monthly record of the number of such non-standard weights manufactured by it and number of non-standard weights in stock or under production. The record so maintained shall be open to inspection by an officer authorized by the Central Government in this behalf.

[F. No WM 21(22)2001-pt]
SATWANT REDDY, Addl. Secy.

भारतीय मानक ब्यूरो

नई दिल्ली, 20 फरवरी, 2003

का.आ. 862.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंस धारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु. वर्ष
(1)	(2)	(3)	(4)	(5)	(6)		
1.	6316259	2002-02-27	मैसर्स एसोसिएटिड इंजीनियर्स शेवर गार्डन, नेताजी नगर कोयम्बतूर-641 045	सौर सपाट पट्टिका संग्राहक भाग I अपेक्षाएं (पहला पुनरीक्षण)	12933	01	92
2.	6316360	2002-02-26	मैसर्स नल्लापेरुमल ज्वेलर्स 225, केपे रोड, पार्क ब्यू नगरकोइल-629 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन—विशिष्ट (तीसरा पुनरीक्षण)	01417		99
3.	6316461	2002-02-26	मैसर्स ज्वेल गार्डन 72/73, ब्रिग सौराष्ट्र स्ट्रीट ब्रोगियूर, त्रिचै-620 003	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन—विशिष्ट (तीसरा पुनरीक्षण)	01417		99
4.	6316562	2002-02-26	मैसर्स चक्र पॉली प्रॉडक्ट्स 1 सी. मट्टे- रामनाड रोड, सलईमन, मदुरई-625 201	विद्युत संस्थापन के लिए कंड्यूट भाग 3 कंड्यूट विद्युत रोधक सामग्री के लिए दृढ़ सांद्र कंड्यूट	09537	03	83
5.	6316663	2002-03-19	मैसर्स क्रिस्टी फ्राइड ग्राम इंडस्ट्रीज, ए 2 और ए 3, सिडको इंड. एस्टेट, एण्डीपलायम, थिरुचेन्गोडू तालुक, नमक्कल जिला	शिशुओं और प्री-स्कूल के बच्चों के लिए प्रोटीन-युक्त पूरक-आहार—विशिष्ट	07021		73
6.	6316764	2002-03-01	मैसर्स अलगर ज्वेलर्स, 248, वेस्ट ग्रेट कॉर्टन रोड, टुटिकोरिन-628 002	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन—विशिष्ट (तीसरा पुनरीक्षण)	01417		99
7.	6316865	2002-03-06	मैसर्स एम.वी.आर. मिनरल वॉटर प्रा. लि., सर्वे नं. 3, श्रीनिवासा फार्म अथूर गाँव, पोन्नेरी तालुक निरुवल्लूर जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)—विशिष्ट	14543		98
8.	6316966	2002-03-07	मैसर्स यूनाइटेड टेलिकॉम्स लि., 18ए/19, डोडानेकुंडी इंड. एरिया, महादेवपुरम पोस्ट बंगलौर-560 048	ए सी स्थापित वाट घंटा मीटर वर्ग 1 और 2—विशिष्ट (पहला पुनरीक्षण)	13779		99
9.	6317069	2002-02-27	मैसर्स सुरेश ब्रॉडलिंग कम्पनी, प्लॉट नं. 75, आईएलटीडी कालोनी, कोथापेट, चेंटापल्लेम मण्डल, चिराला—	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)—विशिष्ट	14543		98
10.	6317168	2002-02-26	मैसर्स चौदना ब्रादर्स ज्वेलर्स, 8-3-949/1/बी, कामा संगम, अमीरपेट, हैदराबाद-500 016	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन—विशिष्ट (तीसरा पुनरीक्षण)	01417		99

(1)	(2)	(3)	(4)	(5)	(6)	
11.	6317261	2002-02-26	मैसर्स चाँदना ब्रादर्स ज्वेलर्स, 3-1-10 से 13, डुण्डू प्लाजा, पेंटी सेन्टर, सिकन्दराबाद	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417	99
12.	6317362	2002-02-27	मैसर्स केडिया इलेक्ट्रिकल्स लि., बी-55/56, असिस्टेड प्रा. इंडस्ट्रियल एस्टेट, बालानगर, हैदराबाद-500 037	बिजली के छत के पंखे और रेग्युलेटर (तीसरा पुनरीक्षण)	00374	79
13.	6317463	2002-02-13	मैसर्स इंड-टैक सर्विसिस, 2-132/4, रोड नं. 5, शोबना कालोनी, बालानगर, हैदराबाद-500 042	गहराई से पानी निकालने के हथियार- घटक-ढलवां लोहे—विशिष्ट	14101	94
14.	6317564	2002-02-28	मैसर्स वेधा राधा गोल्ड हाउस, 11, भरधियार सलाई, सम्मुख हैड पोस्ट ऑफिस, त्रिचै-620 001	स्वर्ण एवं स्वर्णमिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417	99
15.	6317665	2002-02-28	मैसर्स जीएमआर कैरट 22, 5-8-601, मुबारक बाजार, एबीआईडीएस, हैदराबाद-500 001	स्वर्ण एवं स्वर्णमिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417	99
16.	6317766	2002-03-01	मैसर्स श्री कृष्णा ज्वेलर्स, 5-8-612, एबीआईडीएस रोड, हैदराबाद-500 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417	99
17.	6317867	2002-03-07	मैसर्स एक्वा मिनरल्स लिमिटेड, 29-33, उदयगिरि गाँव, देवनहल्ली तालुक, बंगलौर-562 110	पैकेजबन्द मिनरल वॉटर, (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)—विशिष्ट	14543	98
18.	6317968	2002-03-11	मैसर्स एंटी-सर्जि पयूज एण्ड लैम्प्स, नं. 259ए, बोम्मासान्द्रा, के आईएडीबी इंडस्ट्रियल एरिया, होसूर रोड, बंगलौर-562 158	सामान्य प्रकाश सेवा के लिए नलिकाकार फ्लोरोसेंट लैम्प भाग 1 अपेक्षाएं और परीक्षण	02418	01 77
19.	6318061	2002-02-27	मैसर्स ए.आर.डेयरी फूड्स (प्रा) लि., ए एस नं. 7/5 बी-2ए, डी. नं. 10/5सी, मदुराई रोड, वेल्लोछ बेगमपुर पोस्ट, डिण्डोगुल-624 002	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543	98
20.	6318162	2002-03-08	मैसर्स कृष्णा पॉलिमैच प्रा. लि., प्लॉट नं. 86-एल जिगानी इंडस्ट्रियल एरिया, अनेकल तालुक, बंगलौर ग्रामीण जिला, कर्नाटक राज्य	पेयजल आपूर्ति के लिए गैर-प्लास्टिकृत पीवीसी पाइप-विशिष्ट (तीसरा पुनरीक्षण)	04985	2000
21.	6318263	2002-03-12	मैसर्स इन्टेक इंजीनियरिंग एण्ड सर्विसिस प्रा.लि., नं. 10, फर्स्ट मेन रोड, एम ए इंडस्ट्रियल एस्टेट, नेहरू नगर, चेन्नई-600004	द्रवित पैट्रोलीयम गैस (द्र पे गै) मिश्रण के उपयोग के लिये अल्पदाब रेग्युलेटर-विशिष्ट (पहला पुनरीक्षण)	09798	95
22.	6318364	2002-03-12	मैसर्स डायमण्ड एक्वा प्रॉडक्ट्स, नं. 2, बंगलौर हाइवे, नजरतपेट, चेन्नई-602 103	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543	98
23.	6318465	2002-02-15	मैसर्स के.एन. प्रिकास्ट इंडस्ट्रीज, प्लॉट नं. 18, इंड. एरिया, देयसुगर (शक्ति नगर) रायचूर जिला	पूर्व ढलित कंकरीट मैन होल के ढक्कन और फ्रेम भाग 1 ढक्कन भाग 2 फ्रेम	12592 और 02	01 91

(1)	(2)	(3)	(4)	(5)	(6)
24.	6318566	2002-03-08	मैसर्स सुमंगली ज्वैलर्स 318 राजा स्ट्रीट, कोयम्बतूर-641 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417 99
25.	6318667	2002-03-08	मैसर्स लक्ष्मी ज्वैलरी 19(11) न्यू मार्केट स्ट्रीट, तिरुपुर-641 604	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417 99
26.	6318768	2002-03-12	मैसर्स नन्दिनी एक्वा प्रॉडक्ट्स, नं. 240, अप्पार स्ट्रीट, सेन्टिलनगर, एस. एम नगर पोस्ट, चेन्नई-600 062	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
27.	6318869	2002-02-08	मैसर्स विवेकानन्द सीमेंट्स प्रा. लि., एसवाई नं. 54, सोमखेड गाँव, (समीप मलखेड), तालुक सेडम जिला गुलबर्गा	43 ग्रेड साधारण पोर्टलैंड सीमेंट (पहला पुनरीक्षण)	08112 89
28.	6318970	2002-03-01	मैसर्स पोणमुडी रबडर्स लिमिटेड, रबड बोर्ड रीजनल ऑफिस, श्रीनिकेतन दिकांड, त्रिवेन्द्रम, मीन्मुति नन्नियेडे पालोड, त्रिवेन्द्रम-695 562	कच्ची प्राकृति रबड-विशिष्ट (तीसरा पुनरीक्षण)	04588 86
29.	6319063	2002-03-12	मैसर्स नॉर्सन्स एक्वाटेक (प्रा.) लि., प्लॉट नं. 72/बी, इंड. एस्टेट, चिचुर-517 001	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
30.	6319164	2002-02-02	मैसर्स सी. एस. इंडस्ट्रीज, 41, श्री वेंकटेश्वरा का. आपरेशन, इंडस्ट्रियल एस्टेट, बालानगर, हैदराबाद-500 037	गहराई से पानी निकालने के हथबरमे- घटक-ढलवां लोहे-विशिष्ट	14151 94
31.	6319265	2002-03-08	मैसर्स केराली ज्वैलर्स, केराली ऑडिटोरियम, मैथानम वरकला, त्रिवेन्द्रम जिला	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन-विशिष्ट (तीसरा पुनरीक्षण)	01417 99
32.	6319366	2002-03-20	मैसर्स हिमजल ब्रेवरेजिज (प्रा) लि., प्लॉट नं. 7, आईडीए, फेज 3, परामायलारम, पाटनचेरु, मेडक जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द) प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
33.	6319467	2002-03-12	मैसर्स कुमार इंटरप्राइसेज, ई-10, कट्टेडन इंडस्ट्रियल एस्टेट कट्टेडन, हैदराबाद 500 077	सिंचाई उपस्कर-सर्जक विशिष्ट	13487 92
34.	6319568	2002-03-08	मैसर्स बालाजी इंडस्ट्रीज, एस नं. 609, मामिल्लापल्ली गाँव, शिवानन्दपुरम, पिछे-इंडस्ट्रियल एस्टेट, कुड्डुप्पा जिला-आ.प्र.-516002	43 ग्रेड साधारण पोर्टलैंड सीमेंट विशिष्ट—(पहला पुनरीक्षण)	08112 89
35.	6319669	2002-03-11	मैसर्स गैलेक्सी सीमेंट्स प्रा. लि., 1/272 सी. इंड. डवलपमेंट एरिया, एरूमलथला पी.ओ., ए.एम. रोड, एर्नाकुलम जिला एलुआ-683 105	सफेद पोर्टलैंड सीमेंट—विशिष्ट	08042 89
36.	6319770	2002-03-26	मैसर्स साइथ इंडिया ब्रेवरेजिज (प्रा) लि., 36 बी, इंडस्ट्रियल एरिया, हॉस्कोटे, बंगलौर जिला-562 114	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98

(1)	(2)	(3)	(4)	(5)	(6)	
37.	6319871	2002-02-26	मैसर्स प्रिमीयर डीपवेल हैण्डपम्स, प्लॉट नं. 42, श्री वेंकटेश्वरा को-आप, इंडस्ट्रियल एस्टेट, बाला नगर, हैदराबाद 500 037	गहराई से पानी निकालने के इयबारे -घटक-डलवां लोहे-विशिष्ट	14101	94
38.	6319972	2002-03-26	मैसर्स वेरनी इंजीनियर्स प्रा. लि., सर्वे नं. 40, आईडीए, पीवाईडीआई भिवाराम रणस्थल मण्डलम, श्रीकाकुलम जिला	अल्पदाब द्रवणीय गैसों के लिए 5 लिटर से अधिक जलक्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिण्डर भाग 1 द्रवणीय पेट्रोलियम गैस के लिए सिलिण्डर-विशिष्ट	03196	01 92

[सं० सी एम डी-1/13 : 11]

पी. दक्षिणामूर्ति, अपर महानिदेशक

BUREAU OF INDIAN STANDARDS

New Delhi, the 20th February, 2003

S.O. 862.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

SCHEDULE

Sl. No.	Licence No.	Operative Date (Year/ Month)	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6			
1.	6316259	2002-02-27	M/s. Associated Engineers Thevar Garden, Nataraja Nagar, Coimbatore-641 045.	Solar Flat Plate Collector Specification : Part I Requirements (First Revision)	12933	01		92
2.	6316360	2002-02-26	M/s. Nallaperumal Jewellers, 225, Cape Road, Park View, Nagercoil-629 001.	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and marking-specification (Third Revision)	01417			99
3.	6316461	2002-02-26	M/s. Jewel Garden, 72/73, Big Sowrashttra Street, Voriyur Trichy-620 003.	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and marking-specification (Third Revision)	01417			99
4.	6316562	2002-02-26	M/s. Chakra Poly Products 1-C Madurai-Ramnad Road, Salaiman, Madurai-625 201.	Conduits for Electrical Installations Part 3 Rigid Plain Conduits of Insulating Materials	09537	03		83
5.	6316663	2002-03-19	M/s. Christy Fried Gram Industry, A2 & A3, SIDCO, Indl. Estate, Andipalayam, Thiruchengodu Taluk, Namakkal District.	Specification for Protein Rich Food Supplements for Infants Andpre School Children	07021			73
6.	6316764	2002-03-01	M/s. Alagar Jewellers, 248, West Great Cotton Road, Tuticorin-628 002.	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and marking-specification (Third Revision)	01417			99

1	2	3	4	5	6
7.	6316865	2002-03-06	M/s. M.V.R. Mineral Water Pvt. Ltd. Survey No. 3, Srinivasa Farm, Athoor Village, Ponneri Taluk, Thiruvallur District.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543 98
8.	6316966	2002-03-07	M/s. United Telecoms Ltd., 18A/19, Doddanekundi Indl. Area Mahadevapura Post, Bangalore-560 048.	ac Static Watthour Meters, Class 1 and 2—Specification (First Revision)	13779 99
9.	6317059	2002-02-27	M/s. Suresh Bottling Company, Plot No 75, ILTD Colony, Kothapeta, Vetapalame Mandal, Chirala.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543 98
10.	6317160	2002-02-26	M/s. Chandana Bros. Jewellers, 8-3-949/1/b, Kamma Sangam, Ameerpet, Hyderabad-500 016.	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and marking—Specification (Third Revision)	01417 99
11.	6317261	2002-02-26	M/s. Chandana Bros. Jewellers, 3-1-10 to 13, Dundoo Plaza, Patny Centre, Secunderabad.	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and marking—Specification (Third Revision)	01417 99
12.	6317362	2002-02-27	M/s. Kedia Electricals Ltd. B-55/56, Assisted Pvt. Industrial Estate, Balanagar, Hyderabad-500 037.	Electric Ceiling Type Fans and Regulators (Third Revision)	00374 79
13.	6317463	2002-02-13	M/s. Ind-Tech Services, 2-132/4, Road No. 5, Shobana Colony, Balanagar, Hyderabad-500 042.	Deepwell Handpumps Components Cast Iron Sepcification	14101 94
14.	6317564	2002-02-28	M/s. Vedha Radha Gold House, 1, Bharathiyar Salai, Opp Head Post Office, Trichy-620 001.	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and marking—Specification (Third Revision)	01417 99
15.	6317665	2002-02-28	M/s. GMR Karat 22, 5-8-601, Mubarak Bazar, ABIDS, Hyderabad-500 001.	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and marking—Specification (Third Revision)	01417 99
16.	6317766	2002-03-01	M/s. Sri Krishna Jewellers, 5-8-612, ABIDS Road, Hyderabad-500 001.	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and marking—Specification (Third Revision).	01417 99
17.	6317867	2002-03-07	M/s. Acqua Minerals Limited 29-33, Udayagiri Village, Devanahalli Taluk, Bangalore-562 110.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543 98

1	2	3	4	5	6
18.	6317968	2002-03-11	M/s. Anti-Surge Fuses and Lamps, No. 259A, Bommasandra, Kiadb Industrial Area, Hosur Road, Bangalore-562 158.	Specification for Tubular Fluorescent Lamps for General Lighting Service Part I Requirements and Tests (First Revision)	02418 01 77
19.	6318061	2002-02-27	M/s. A. R. Dairy Food (P) Ltd., S. No. 7/5B-2A, D. No. 10/5C, Madurai Road, A. Vellode, Begambur Post, Dindigul-624 002.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543 98
20.	6318162	2002-3-08	M/s. Krishna Ploymach Pvt. Ltd., Plot No. 86-L., Jigani Industrial Area, Anekal Taluk, Bangalore Urban District, Karnataka State.	Unplasticized PVC Pipes for Potable Water Supplies—Specification (Third Revision)	04985 2000
21.	6318263	2002-03-12	M/s. Intech Engineering & Services Pvt. Ltd., No. 10, First Main Road, MA Insutrial Estate, Nehru Nagar, Chennai-600 041.	Low Pressure Regulators for use with Liquefied Petroleum Gas (LPG) Mixtures—Specification (First Revision)	09798 95
22.	6318364	2002-03-12	M/s. Diamond Aqua Products, No. 2, Bangalore Highway, Nazarethpet, Chennai-602 103.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543 98
23.	6318465	2002-02-15	M/s. K. N. Precast Industries Plot No. 18, Indl. Area, Deasugur (Shakthi Nagar) Raichur District.	Specification for Precast Concrete Manhole cover and Frames (Part 1) : 1988—Cover (Part 2) : 1991—Frames	12592 01 & 02 91
24.	6318566	2002-03-08	M/s. Sumangali Jewellers, 318, Raja Street, Coimbatore-641 001.	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking—Specification (Third Revision).	01417 99
25.	6318667	2002-03-08	M/s. Lakshmi Jewellery, 19 (11), New Market Street, Tirupur-641 604.	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking—Specification (Third Revision).	01417 99
26.	6318768	2002-03-12	M/s. Nandhini Aqua Product, No. 240, Appar Street, Senthil Nagar, S. M. Nagar Post, Chennai-600 062.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543 98
27.	6318869	2002-03-08	M/s. Vivekanand Cements Pvt. Ltd., Sy. No. 54, Somkhed Village (Near Malkhed), Tq. Sedam, District Gulbarga.	Specification for 43 Grade Ordinary Portloand Cement (First Revision)	08112 89
28.	6318970	2002-03-01	M/s. Ponmudi Rubbers Limited, Rubber Board Regional Office, Sriniketan, Thycaud, Trivandrum, Meenmutty, Nanniyode Palode, Trivandrum-695 562.	Specification for Rubber, Raw, Natural (Third Revision)	04588 86

1	2	3	4	5	6	
29.	6319063	2002-03-12	M/s. Narsons Aquatech (P) Ltd., Plot No. 72/B, Indl. Estate, Chittoor-517 001.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543	98
30.	6319164	2002-02-02	M/s. C. S. Industries, 41, Sri Venkateswara Co. Operation Industrial, Estate, Balanagar, Hyderabad-500 037.	Deepwell Handpumps—Components—Cast Iron—Specification	14101	94
31.	6319265	2002-03-08	M/s. Kairali Jewellers, Kairali Auditorium, Mythanam, Varkala, Trivandrum District.	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking—specification (Third Revision).	01417	99
32.	6319366	2002-03-20	M/s. Himjal Beverages (P) Ltd., Plot No. 7, IDA., Phase-III, Pashamylaram, Patancheru, Medak District.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543	98
33.	6319467	2002-03-12	M/s. Kumar Enterprises, E-10, Kattedan Industrial Estate Kattedan, Hyderabad- 500 077.	Irrigation Equipment—Emitters—Specification	13487	92
34.	6319568	2002-3-08	M/s. Balaji Industries, S. No. 609, Mamillapally Village Sivanandapuram, Besides Industrial Estate, Cuddapah District—A.P., Cuddapah-516 002.	Specification for 43 Grade Ordinary Portland Cement (First Revision)	08112	89
35.	6319669	2002-03-11	M/s. Galaxy Cements Pvt. Ltd., 1/272 C. Indl. Development Area, Erumalthala P.O., A.M. Road, Ernakulam District, Aluva-683 105.	White Portland Cement—Specification	08042	89
36.	6319770	2002-03-26	M/s. South India Beverages Pvt. Ltd., 36B, Industrial Area, Hoskote, Bangalore District- 562 114.	Packaged Drinking Water (Other than packaged Natural Mineral Water)	14543	98
37.	6319871	2002-02-26	M/s. Premier Deepwell Handpumps, Plot No. 42, Sri Venkateswara Co. Op. Industrial Estate, Balanagar, Hyderabad-500 037.	Deepwell, Handpumps—Components—Cast Iron—Specification	14101	94
38.	6319972	2002-03-26	M/s. Verny Engineers Pvt. Ltd., Sy. No. 40, IDA, Pydi Bhivaram, Ranastala Mandalam, Srikakulam District.	Welded Low Carbon Steel Cylinders exceeding 5 Litres water capacity for low pressure Liquefiable Gases : Part I, Cylinders for Liquefied Petroleum Gases (LPG) Specification (Fourth Revision)	03196	01 92

[No. CMD-1/13 : 11]

P. DAKSHINAMURTY, Addl. Director General

नई दिल्ली, 4 मार्च, 2003

का.आ. 863.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 207 : 1964	संशोधन सं. 2 दिसम्बर 2002	2002-12-31
2.	आईएस 208 : 1996	संशोधन सं. 2 जनवरी 2003	2003-01-31
3.	आईएस 265 : 1993	संशोधन सं. 4 जनवरी 2003	2003-01-31
4.	आईएस 398 (भाग 2) : 1996	संशोधन सं. 3 जनवरी 2003	2003-01-31
5.	आईएस 513 : 1994	संशोधन सं. 2 नवम्बर 2002	2002-11-30
6.	आईएस 730 : 1978	संशोधन सं. 3 दिसम्बर 2002	2002-12-31
7.	आईएस 1460 : 2000	संशोधन सं. 1 जनवरी 2003	2003-01-31
8.	आईएस 1564 : 1988	संशोधन सं. 2 दिसम्बर 2002	2002-12-31
9.	आईएस 1571 : 2001	संशोधन सं. 1 दिसम्बर 2002	2002-12-31
10.	आईएस 1622 : 1981	संशोधन सं. 3 दिसम्बर 2002	2002-12-31
11.	आईएस 2176 : 1988	संशोधन सं. 2 दिसम्बर 2002	2002-12-31
12.	आईएस 2566 : 1993	संशोधन सं. 2 दिसम्बर 2002	2002-12-31
13.	आईएस 2818 (भाग 2) : 1971	संशोधन सं. 4 जनवरी 2003	2003-01-31
14.	आईएस 2878 : 1986	संशोधन सं. 4 दिसम्बर 2002	2002-12-31
15.	आईएस 4508 : 1992	संशोधन सं. 2 जनवरी 2003	2003-01-31
16.	आईएस 4509 : 1992	संशोधन सं. 2 जनवरी 2003	2003-01-31
17.	आईएस 4611 : 1991	संशोधन सं. 1 फरवरी 2003	2003-02-28
18.	आईएस 5096 : 1969	संशोधन सं. 1 दिसम्बर 2002	2002-12-31
19.	आईएस 5097 : 1969	संशोधन सं. 1 दिसम्बर 2002	2002-12-31
20.	आईएस 6238 : 1971	संशोधन सं. 2 जनवरी 2003	2003-01-31
21.	आईएस 6538 : 1971	संशोधन सं. 5 जनवरी 2003	2003-01-31
22.	आईएस 6582 (भाग 2) : 2001	संशोधन सं. 1 दिसम्बर 2002	2002-12-31
23.	आईएस 9087 : 2000	संशोधन सं. 1 जनवरी 2003	2003-01-31
24.	आईएस 9573 : 1998	संशोधन सं. 3 दिसम्बर 2002	2002-12-31
25.	आईएस 10245 (भाग 2) : 1994	संशोधन सं. 1 दिसम्बर 2002	2002-12-31
26.	आईएस 10410 : 1983	संशोधन सं. 1 दिसम्बर 2002	2002-12-31
27.	आईएस 10417 : 1983	संशोधन सं. 2 दिसम्बर 2002	2002-12-31
28.	आईएस 11357 : 1985	संशोधन सं. 2 जनवरी 2003	2003-01-31
29.	आईएस 11487 : 1985	संशोधन सं. 2 दिसम्बर 2002	2002-12-31

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, पुणे, कोयम्बटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. के प्र वि-1/13 : 5]

जी. दक्षिणामूर्ति, अपर महानिदेशक

New Delhi, the 4th March, 2003

S.O. 863.— In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notified that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

Sl. No.	No. & year of the Indian Standards	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 207:1964	Amendment No. 2 December 2002	2002-12-31
2.	IS 208:1996	Amendment No. 2 January 2003	2003-01-31
3.	IS 265:1993	Amendment No. 4 January 2003	2003-01-31
4.	IS 398 (Pt. 2): 1996	Amendment No. 3 January 2003	2003-01-31
5.	IS 513:1994	Amendment No. 2 November 2002	2002-11-30
6.	IS 730:1978	Amendment No. 3 December 2002	2002-12-31
7.	IS 1460:2000	Amendment No. 1 January 2003	2003-01-31
8.	IS 1564:1988	Amendment No. 2 December 2002	2002-12-31
9.	IS 1571:2001	Amendment No. 1 December 2002	2002-12-31
10.	IS 1622:1981	Amendment No. 3 December 2002	2002-12-31
11.	IS 2176:1988	Amendment No. 2 December 2002	2002-12-31
12.	IS 2566:1993	Amendment No. 2 December 2002	2002-12-31
13.	IS 2818 (Pt. 2): 1971	Amendment No. 4 January 2003	2003-01-31
14.	IS 2878: 1986	Amendment No. 4 December 2002	2002-12-31
15.	IS 4508: 1992	Amendment No. 2 January 2003	2003-01-31
16.	IS 4509: 1992	Amendment No. 2 January 2003	2003-01-31
17.	IS 4611:1991	Amendment No. 1 February 2003	2003-02-28
18.	IS 5096:1969	Amendment No. 1 December 2002	2002-12-31
19.	IS 5097:1969	Amendment No. 1 December 2002	2002-12-31
20.	IS 6238:1971	Amendment No. 2 January 2003	2003-01-31
21.	IS 6538:1971	Amendment No. 5 January 2003	2003-01-31
22.	IS 6582 (Pt. 2): 2001	Amendment No. 1 December 2002	2002-12-31
23.	IS 9087: 2000	Amendment No. 1 January 2003	2003-01-31
24.	IS 9573:1998	Amendment No. 3 December 2002	2002-12-31
25.	IS 10245 (Pt. 2):1994	Amendment No. 1 December 2002	2002-12-31
26.	IS 10410:1983	Amendment No. 1 December 2002	2002-12-31
27.	IS 10417:1983	Amendment No. 2 December 2002	2002-12-31
28.	IS 11357:1985	Amendment No. 2 January 2003	2003-01-31
29.	IS 11487:1985	Amendment No. 2 December 2002	2002-12-31

Copy of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CMD-1/13:5]

P. DAKSHINAMURTY, Addl. Director General

नई दिल्ली, 7 मार्च, 2003

का.आ. 864—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एन कार डियो-राइट इलैक्ट्रानिक्स प्रा० लि०, ए-5, इंडस्ट्रियल इस्टेट, तालकटोरा रोड, जिला लखनऊ -226001 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले “स्मार्ट स्केल” शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “राइट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न.आई एन डी/09/2002/56 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति नीचे दी गई है) टेबल टाप प्रकार का अस्वचालित, तोलन उपकरण (आधारित विकृति गेज टाइप भार सेल) है। इसकी अधिकतम क्षमता 12 कि.ग्रा. है और न्यूनतम क्षमता 50 ग्रा. है। और उच्च यथार्थता वर्ग (यथार्थता वर्ग 2) का है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श इकाई का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की अधिकतम संख्या 1 मि. ग्राम से 50 मि. ग्रा. के “ई” मान के लिए 100 से 50,000 की रेंज में है और 100 मि. ग्रा. या इससे अधिक के “ई” मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$ है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(15)/99]

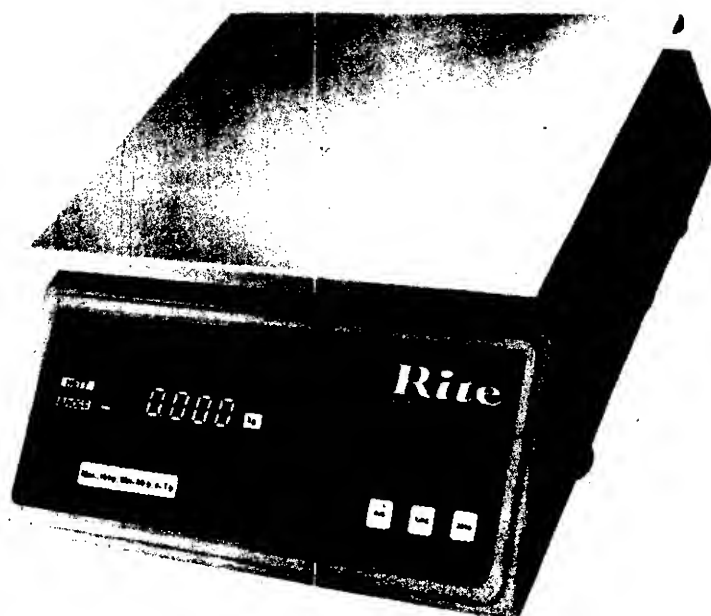
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2003

S.O. 864.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (table top type) with digital indication (herein after referred to as the model) belonging to high accuracy class (accuracy class II) and of "SMART SCALE" series with brand name "RITE manufactured by M/s Encardio-Rite Electronics Pvt. Ltd. A-5 Industrial Estate, Talkatora Road, Dist. Lucknow-226001 and which is assigned the approval mark IND/09/02/56;

The said Model (the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (table top type) with digital indication of maximum capacity of 12 kg and minimum capacity 50g. and belonging to High accuracy class (accuracy class II). The value of verification scale interval (e) is 1g. The display unit is of light emitting diode type. The instrument operates on 230 V, 50 Hertz alternate current power supply.



Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k , 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model has been manufactured.

[F. No. WM-21(15)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 7 मार्च, 2003

का.आ. 865.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टर्बो स्केल, बी-109 मनपसंद काम्पलेक्स, संजूबा अस्पताल के निकट, बापूनगर, अहमदाबाद-24 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2 वाले "डी टी एस-टी टी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टर्बो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/64 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति नीचे दी गई है) टेबल टाप प्रकार का अस्वचालित, तोलन उपकरण (आधारित विकृति गेज टाइप भार सेल) है इसकी अधिकतम क्षमता 10 कि.ग्रा. है और न्यूनतम क्षमता 50 ग्रा. है और उच्च यथार्थता वर्ग (यथार्थता वर्ग 2) का है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श इकाई का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि. ग्राम से 50 मि. ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में है और 100 मि. ग्रा. या इससे अधिक के "ई" मान के लिए 5,000 से 50,000 की रेंज में है तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(44)/99]

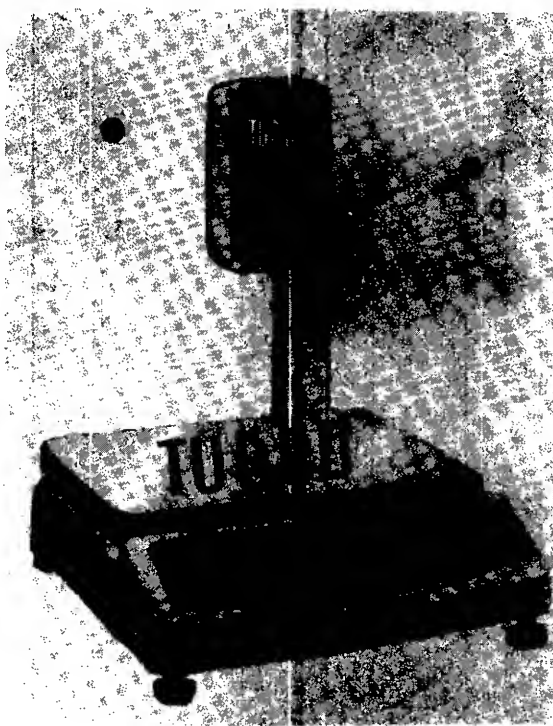
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2003

S.O. 865.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (table top type) with digital indication (hereafter referred to as model) belonging to high accuracy (accuracy-class II) and of DTS-TT series with brand name "TURBO" manufactured by M/s Turbo Scale, B/109, Manpasand Complex, near Sanjuba Hospital, Bapunagar, Ahmedabad-24 and which is assigned the approval mark IND 09/02/64;

The said Model is a strain gauge type load-cell based non-automatic electronic weighing instrument (table top type) with digital indication, of maximum capacity 10 kg., minimum capacity 50g. and belonging to high accuracy class (accuracy class II). The value of verification scale interval is 1g. The display unit is of light emitting diode. The instrument operates on 230 V, 50 Hertz alternate power current supply.



Further, in exercise of the power conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the negative or positive whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which the approved model has been manufactured.

[F. No. WM-21(44)/99]

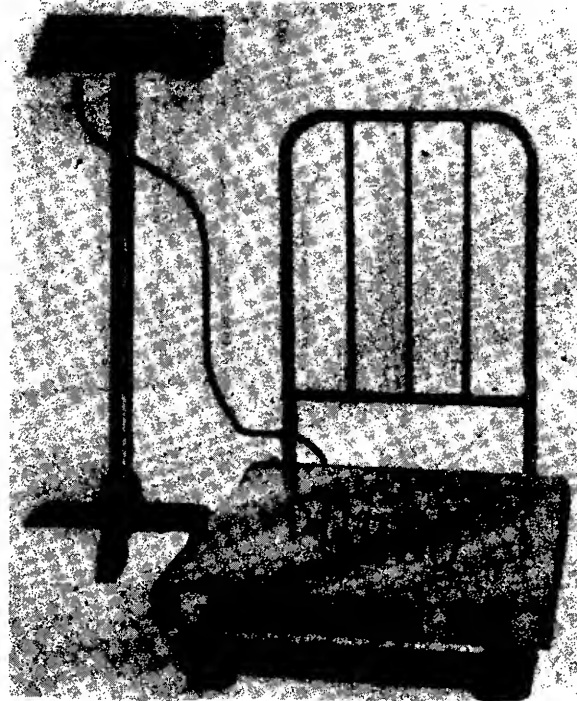
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 7 मार्च, 2003

का.आ. 866.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टर्बो स्केल, बी/109 मनपसंद काम्पलेक्स, संजूबा अस्पताल के निकट, बापूनगर, अहमदाबाद-24 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "डी टी एस-पी एफ" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टर्बो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/65 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल अंकक सूचन सहित प्लेट फार्म प्रकार का अस्वचालित, तोलन उपकरण (आधारित विकृति गेज टाइप भार सेल) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) का है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श इकाई का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या इससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

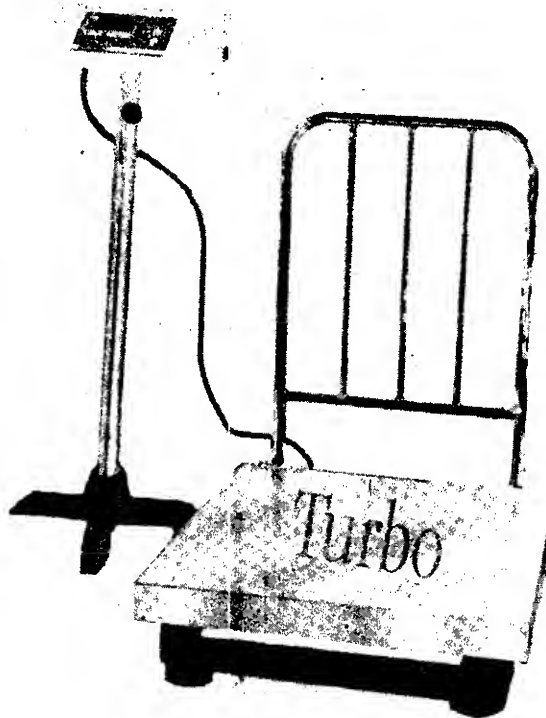
[फा. सं. डब्ल्यू. एम.-21(44)/99]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2003

S.O. 866.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by Sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (platform type) with digital indication (hereafter referred to as model) belonging to medium accuracy (accuracy-class III) and of DTS-PF series with brand name "TURBO" manufactured by M/s Turbo Scale, B/109, Manpasand Complex, near Sanjuba Hospital, Bapunagar, Ahmedabad-24 and which is assigned the approval mark IND 09/02/65;

The said Model is a strain gauge type load-cell based non-automatic electronic weighing instrument (platform type) with digital indication, of maximum capacity 30 kg., minimum capacity 100g. and belonging to medium accuracy class (accuracy class III). The value of verification scale interval is 5 g. The display unit is of light emitting diode. The instrument operates on 230 V. 50 Hertz alternate power current supply.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 500 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the negative or positive whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same material which the approved model has been manufactured.

[F. No. WM-21(44)/99]

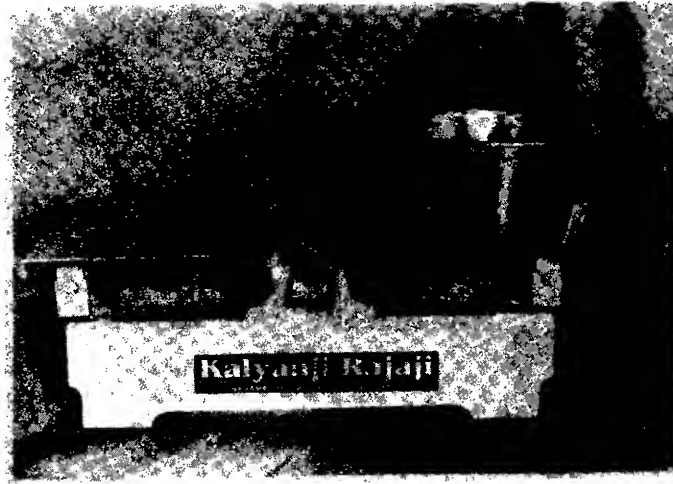
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 7 मार्च, 2003

का.आ. 867.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कल्याण जी राजा जी, देवला गेट, राठोर गली, सावर कुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउन्टर मशीन के मॉडल का, जिसके ब्रांड का नाम "कल्याण जी राजा जी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/15 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (दी गई आकृति देखें) एक काउन्टर मशीन (यांत्रिक) है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम.-21(196)/2001]

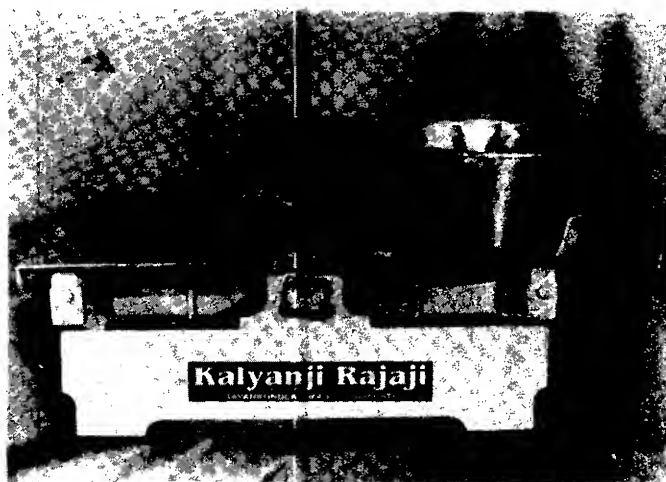
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2003

S.O. 867.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of (mechanical) counter machine with brand name "KALYANJI RAJAJI" (herein referred to as the model), manufactured by M/s. Kalyanji Rajaji, Devla Gate, Rathod Street, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2002/15;

The said Model (see the figure given) is "counter machine" (Mechanical). The maximum capacity is 10 kg.



Further, in exercise of the power conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(196)/2001]

P. A. KRISHNAMOORTHY, Director, of Legal Metrology

नई दिल्ली, 7 मार्च, 2003

का.आ. 868.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐरो टेक्नो इम्पेक्ट, शिव शक्ति सोसाइटी एरिया बी हास्पिटल रोड, सावर कुन्डा-364515 (गुजरात) द्वारा विनिर्मित एरो ब्रान्ड काउन्टर मशीन (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/10 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (दी गई आकृति देखें) एक यांत्रिक काउन्टर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी मेक, यथार्थता और कार्यपालन वाले ऐसी यांत्रिक काउन्टर मशीन भी होंगी जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू एम-21(245)/2001]

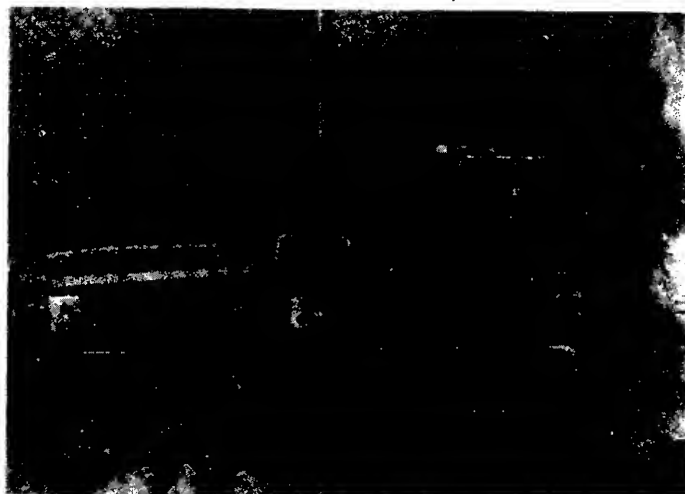
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2003

S.O. 868.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of counter machine (herein referred to as the model), with the brand name "Arrow" manufactured by M/s Arrow Techno Impact, Shiv Shakti Society Area, B. Hospital Road, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND 09/2002/10;

The said Model (see the figure given) is "counter machine". The maximum capacity is 10 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(245)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 11 मार्च, 2003

का.आ. 869.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उत्तरांचल राज्य में सहारनपुर से नजीबाबाद तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री राकेश कुमार सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, सहारनपुर-नजीबाबाद एक्स्टेंशन पाइपलाइन परियोजना, एस. डी. एम. लक्सर का कार्यालय, तहसील लक्सर, हरिद्वार को लिखित रूप में आक्षेप भेज सकेगा।

“अनुसूची”

तहसील : रुड़की	जिला : हरिद्वार	राज्य : उत्तरांचल		
गाँव	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	आर	सेंटीआर
1	2	3	4	5
सरढेड़ी शाहजहाँपुर	234/3	0	01	68
तलहेड़ी	110	0	00	20
बिझौली	624	0	36	60
लंडौरा	307	0	00	08
	261	0	16	86

गाँव	चक संख्या	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	भार	सेंटीआर
1	2	3	4	5	6
चुड़ियाला मोहनपुर	229	64/2	0	14	41
	229	64/4	0	06	20
	रास्ता	72	0	01	34
	298	157	0	00	30
बालेकी युसुफपुर	9	126	0	01	84
	9	127	0	03	76
	48	117/2	0	07	30
	114	32	0	04	47
	114	31/1	0	00	50
	114	33/1	0	00	50
	114	33/2	0	01	50
	121	117/2	0	13	50
	152	3	0	04	50
खाता खेड़ी	396	239/2	0	00	16
सफरपुर	बचत	363	0	00	89
	बचत	364	0	02	30
	गाहा	374	0	02	68
	271	355	0	05	69
	310	19	0	04	10
आसिफनगर	33	239/12	0	01	26
	33	239/14	0	09	17
	70	239/15	0	00	96
	70	239/16	0	00	24
	129	239/12	0	05	87
	166	239/3	0	00	84
	166	239/4	0	21	32
	159	281	0	03	35
	293	275/2	0	02	09
	293	281	0	00	40

1	2	3	4	5	6
	368	281	0	03	00
	368	282	0	00	80
	368	283	0	00	50
	425	240/3	0	00	16
	रास्ता	227	0	00	50
भगवानपुर चन्दनपुर	चकमार्ग	1/2	0	00	10
	नाली	1/2	0	00	05
	85	2/2	0	21	08
	420	10	0	00	09
	420	11	0	00	18
	420	25/1	0	03	60
	487	92	0	01	00

[फा. सं. आर-25011/3/2003-ओ.आर-1]

रेनुका कुमार, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 11th March, 2003

S. O. 869.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Saharanpur to Nazibabad in the state of Uttaranchal a Pipeline should be laid by Indian Oil Corporation Limited;

And whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Rakesh Kumar Singh, Competent Authority, Indian Oil Corporation Limited, Saharanpur – Nazibabad Extension Pipeline Project, Office of the Sub Divisional Magistrate Laksar, Tehsil – Laksar, Haridwar (Uttaranchal).

"SCHEDULE"

Tehsil : Roorkee		District : Haridwar		State : Uttaranchal	
Village	Khasra No.	Area			
		Hectares	Ares	Centiares	
1	2	3	4	5	
Sarthedi Shahjanpur	234/3	0	01	68	
Talhedi	110	0	00	20	
Bijhauli	624	0	36	60	
Landhaura	307	0	00	08	
	261	0	16	86	

Village	Chak No.	Khasra No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Chudiala Mohanpur	229	64/2	0	14	41
	229	64/4	0	06	20
	Rasta	72	0	01	34
	298	157	0	00	30
Bareki Yulapur	9	126	0	01	84
	9	127	0	03	76
	48	117/2	0	07	30
	114	32	0	04	47
	114	31/1	0	00	50
	114	33/1	0	00	50
	114	33/2	0	01	50
	121	117/2	0	13	50
	152	3	0	04	50

1	2	3	4	5	6
Khata Khedi	396	239/2	0	00	16
Safarpur	Bachat	363	0	00	89
	Bachat	364	0	02	30
	Gaha	374	0	02	68
	271	355	0	05	69
	310	19	0	04	10
Asifnagar	33	239/12	0	01	26
	33	239/14	0	09	17
	70	239/15	0	00	96
	70	239/16	0	00	24
	129	239/12	0	05	87
	166	239/3	0	00	84
	166	239/4	0	21	32
	159	281	0	03	35
	293	275/2	0	02	09
	293	281	0	00	40
	368	281	0	03	00
	368	282	0	00	80
	368	283	0	00	50
	425	240/3	0	00	16
	Rasta	227	0	00	50
Bhagwanpur Chandanpur	Chak Marg	1/2	0	00	10
	Nali	1/2	0	00	05
	85	2/2	0	21	08
	420	10	0	00	09
	420	11	0	00	18
	420	25/1	0	03	60
	487	92	0	01	00

नई दिल्ली, 11 मार्च, 2003

का. आ. 870.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2064 तारीख 19 जून 2002 जो भारत के राजपत्र तारीख 22 जून 2002 को प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन परियोजना के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 15 अगस्त 2002 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त गुरु गोबिन्दसिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची

तालुका :- राधनपुर

जिला :- पाटण

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सन्टी आर
1	2	3	4		
(1) सांयली	—	कार्ट ट्रेक	00	72	26
	64		00	24	71
	59		00	00	52
	60	पेक्की	00	01	34
	63		00	03	34
	62		00	00	47
	61		00	26	87
	—	कार्ट ट्रेक	00	07	65
	33	पेक्की	00	26	90
	32		00	25	70
	31		00	26	94
	30	पेक्की	00	43	64
	29		00	16	21
	28		00	25	70
	27		00	32	18
	36/1	पेक्की	00	00	85
	26		00	28	02
	25		00	44	94
	24		00	00	32
	11		00	35	96
	12	पेक्की	00	42	05
	12	पेक्की कार्ट ट्रेक	00	00	55
	6/1	पेक्की कार्ट ट्रेक	00	00	55
	6/1	पेक्की	00	18	73
(2) रंगपुरा	54		00	23	99
	52		00	23	65
	51		00	27	39

तालुका :- राधनपुर

जिला :- पाटण

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिससा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(2) रंगपुरा (जारी)	50	पैकी	00	20	09
	50	पैकी	00	25	26
	46	पैकी	00	32	82
	29		00	67	83
	—	कार्ट ट्रेक	00	03	12
	28	पैकी	00	50	11
	28	पैकी कार्ट ट्रेक	00	01	10
	—	कार्ट ट्रेक	00	02	74
	27		00	04	19
(3) लिम्बडका	14/1	पैकी	02	47	57
	14/1	पैकी कार्ट ट्रेक	00	01	09
	14/2		00	34	93
	14/4		00	23	71
	30	पैकी	00	11	62
	30	पैकी कार्ट ट्रेक	00	00	50
	29		00	30	79
	28		00	00	90
	4/1	पैकी	01	04	94
(4) भीलोट	327		00	14	73
	328	पैकी	00	34	12
	329		00	38	58
	330	पैकी	00	17	13
	330	पैकी कार्ट ट्रेक	00	01	00
	331	पैकी	00	15	49
	331	पैकी कार्ट ट्रेक	00	01	00
	332		00	13	12
	333	पैकी	00	41	91
	333	पैकी कार्ट ट्रेक	00	01	00

तालुका :- राधनपुर

जिला :- पाटण

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(4) मीलोट (जारी)	334		00	22	38
	335		00	44	37
	336		00	12	92
	337		00	18	38
	342		00	27	56
	339		00	00	42
	341		00	30	57
(5) जावंत्री	284	पैकी	00	14	31
	282		00	12	94
	283		00	01	24
	281		00	16	20
	—	कार्ट ट्रेक	00	04	38
	240	पैकी	00	45	97
	240	पैकी कार्ट ट्रेक	00	01	00
	241	पैकी	00	15	35
	241	पैकी	00	06	91
	242	पैकी	00	02	43
	243	पैकी	00	28	62
	243	पैकी	00	27	13
	243	पैकी कार्ट ट्रेक	00	00	50
	261	पैकी कार्ट ट्रेक	00	00	50
	261	पैकी	00	35	21
	262		00	37	52
	258	पैकी	00	00	48
	263	पैकी	00	16	96
	263	पैकी	00	25	28
	256	पैकी	00	08	28
	256	पैकी	00	13	59

तालुका :- राधनपुर

जिला :- पाटन

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(5) जावत्री (जरी)	255/1	पेकी कार्ट ट्रेक	00	24	26
	255/2		00	16	64
	—		00	03	42
	295/1		00	01	61
	296		00	27	83
	297		00	28	35
	349/3		00	06	96
	302	पेकी कार्ट ट्रेक	00	27	60
	304		00	21	16
	305		00	16	55
	305		00	01	00
	306		00	20	01
	327/1		00	16	59
	326		00	24	79
	325		00	25	44
	325		00	20	32
	324		00	02	63
	316		00	23	67
	310	पेकी कार्ट ट्रेक	00	33	93
	314		00	02	18
	313/1		00	32	59
	312		00	12	93
	312		00	01	00
(6) मेमदाबाद	455	कार्ट ट्रेक	00	27	81
	454		00	30	31
	457		00	08	89
	—		00	06	57
	459		00	55	35
	—		00	01	56

तालुका :- राधनपुर

जिला :- पाटण

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(7) चलवाडा	28		00	34	62
	31		00	12	25
	29		00	11	58
	35		00	17	89
	34		00	24	18
	37		00	02	18
	33		00	00	17
	40		00	17	68
	41		00	17	78
	43/1	पेकी	00	41	18
	—	कर्त ट्रेक	00	02	97
	71	पेकी	00	50	31
	101	पेकी	00	23	52
	101	पेकी	00	05	28
	102/1	पेकी	00	14	45
	112/4		00	28	84
	103/1		00	21	87
	103/2		00	28	59
	105	पेकी	00	05	84
	105	पेकी	00	00	80
	111/1	पेकी	00	08	97
	110		00	21	30
	106		00	27	00
	128/1	पेकी	00	18	68
		कर्त ट्रेक	00	01	80
	141	पेकी	00	15	74
	142		00	53	89
	145/1		00	08	73

तालुका :- राधनपुर

जिला :- पाटन

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			इक्कर	गार	सेन्टी गार
1	2	3	4		
(7) चलवाडा (जारी)	145/2		00	14	92
	151		00	24	16
	146		00	19	19
	150		00	06	91
	149	पैकी	00	22	81
	149	पैकी	00	25	20
	148	पैकी	00	24	38
	148	पैकी	00	14	98
	154		00	21	65
	—	कट्ट ट्रेक	00	03	54
	188		00	00	89
(8) बंधवड	229	पैकी	00	14	93
	231/1	पैकी	00	34	52
	231/1	पैकी	00	09	20
	231/1	पैकी	00	14	02
	232	पैकी	00	15	52
	232	पैकी	00	18	29
	—	कट्ट ट्रेक	00	04	60
	239	पैकी	00	02	05
	234	पैकी	00	40	33
	234	पैकी	00	19	40
	234	पैकी	00	16	62
	246		00	02	43
	247	पैकी	00	28	53
	247	पैकी	00	02	38
	248	पैकी	00	25	81
	248	पैकी	00	00	90
	251	पैकी	00	17	37

तालुका :- राधनपुर

जिला :- पाटण

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(8) बंधवड (जरी)	251	पैकी	00	09	45
	250		00	02	43
	—	कार्ट ट्रैक	00	10	83
	13	पैकी	00	12	58
	15		00	39	69
	16		00	36	53
(9) देव	149		00	15	04
	148	पैकी	00	27	72
	148	पैकी	00	23	58
	—	कार्ट ट्रैक	00	03	73
	142		00	18	50
	143	पैकी	00	51	28
	143	पैकी	00	16	96
	144	पैकी	00	03	04
	138	पैकी	00	15	49
	138	पैकी	00	00	90
	129		00	18	73
	128/2	पैकी	00	04	70
	128/1	पैकी	00	32	40
	126	पैकी	00	21	48
	124		00	26	01
	123		00	08	58
	125	पैकी	00	04	14
	125	पैकी	00	06	54
	98		00	16	29
	96		00	01	90
	94		00	33	15
	95		00	00	64

शालुका :- राधनपुर

जिला :- पाटण

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(9) देव (जारी)	93	पैकी कार्ट ट्रैक	00	14	61
	92		00	19	95
	91		00	24	15
	59		00	63	04
	59		00	01	08
	62		00	23	16
	63		00	06	18
	64		00	18	81
	65		00	17	76
	66		00	25	06
	67		00	17	61
	77		00	14	43
	77		00	24	01
	71		00	21	37
	76		00	21	18
	76		00	08	88
	76		00	16	85
	75		00	02	05
	74		00	25	88
(10) सुलतानपुरा	125/1	पैकी कार्ट ट्रैक	00	18	65
	125/2		00	18	42
	125/3		00	18	63
	—		00	03	74
	160		00	32	59
	157/2		00	23	27
	158/2		00	01	76
	158/1		00	61	93
	156		00	00	38
	—	कार्ट ट्रैक	00	03	08

तालुका :- राधनपुर

जिला :- पाटण

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(11) सुवापुरा	186		00	07	50
	10		00	12	51
	187/1	पैकी	00	06	23
	187/1	पैकी कर्ट ट्रेक	00	01	10
	188	पैकी	00	04	61
	188	पैकी कर्ट ट्रेक	00	01	10
	189	पैकी	00	14	98
	189	पैकी कर्ट ट्रेक	00	01	10
	11	पैकी	00	00	10
	190	पैकी	00	09	60
	12/1	पैकी	00	29	01
	44	पैकी	00	23	11
	195		00	00	97
	196/1	पैकी	00	06	51
	197	पैकी	00	15	77
	197	पैकी कर्ट ट्रेक	00	01	05
	45	पैकी	00	01	53
	204		00	15	74
	205	पैकी	00	13	01
	205	पैकी कर्ट ट्रेक	00	01	08
	—	कर्ट ट्रेक	00	01	52
	206/1		00	13	92
	209		00	16	36
	210		00	18	24
	51/1		00	30	89
	51/2		00	31	16
	214		00	11	51
	—	कर्ट ट्रेक	00	04	16

तालुका :- राधनपुर

जिला :- पाटण

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(11) सुबापुरा	219		00	01	57
(जारी)	218	पैकी	00	28	96
	215	पैकी	00	26	74
	216	पैकी	00	34	10
	217	पैकी	00	52	17

[फा. सं. आर-31015/8/2002-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 11th March, 2003

S. O. 870.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2064 dated the 19th June 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 22nd June 2002, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum products from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda crude oil pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notification were made available to the public on the 15th August 2002;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in the Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited) free from all encumbrances.

SCHEDULE

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(1) SANTHALI	---	Cart Track	00	72	26
	64		00	24	71
	59		00	00	52
	60	P	00	01	34
	63		00	03	34
	62		00	00	47
	61		00	26	87
	---	Cart Track	00	07	65
	33	P	00	26	90
	32		00	25	70
	31		00	26	94
	30	P	00	43	64
	29		00	16	21
	28		00	25	70
	27		00	32	18
	36/1	P	00	00	85
	26		00	28	02
	25		00	44	94
	24		00	00	32
	11		00	35	96
	12	P	00	42	05
	12	P Cart Track	00	00	55
	6/1	P Cart Track	00	00	55
	6/1	P	00	18	73
(2) RANGPURA	54		00	23	99
	52		00	23	65
	51		00	27	39

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(2) RANGPURA (Contd.)	50	P	00	20	09
	50	P	00	25	26
	46	P	00	32	82
	29		00	67	83
	—	Cart Track	00	03	12
	28	P	00	50	11
	28	P	00	01	10
	—	Cart Track	00	02	74
	27		00	04	19
(3) LIMBADKA	14/1	P	02	47	57
	14/1	P	00	01	09
	14/2		00	34	93
	14/4		00	23	71
	30	P	00	11	62
	30	P	00	00	50
	29		00	30	79
	28		00	00	90
	4/1	P	01	04	94
(4) BHILOT	327		00	14	73
	328	P	00	34	12
	329		00	38	58
	330	P	00	17	13
	330	P	00	01	00
	331	P	00	15	49
	331	P	00	01	00
	332		00	13	12
	333	P	00	41	91
	333	P	00	01	00

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(4) BHILOT (Contd.)	334		00	22	38
	335		00	44	37
	336		00	12	92
	337		00	18	38
	342		00	27	56
	339		00	00	42
	341		00	30	57
(5) JAWANTRI	284	P	00	14	31
	282		00	12	94
	283		00	01	24
	281		00	16	20
	—	Cart Track	00	04	38
	240	P	00	45	97
	240	P Cart Track	00	01	00
	241	P	00	15	35
	241	P	00	06	91
	242	P	00	02	43
	243	P	00	28	62
	243	P	00	27	13
	243	P Cart Track	00	00	50
	261	P Cart Track	00	00	50
	261	P	00	35	21
	262		00	37	52
	258	P	00	00	48
	263	P	00	16	96
	263	P	00	25	28
	256	P	00	08	28
	256	P	00	13	59

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Hr.	Ar.	Sq.mt.
1	2	3	4		
(5) JAWANTRI (Contd.)	255/1		00	24	26
	255/2	P	00	16	64
	—	Cart Track	00	03	42
	295/1		00	01	61
	296		00	27	83
	297		00	28	35
	349/3		00	06	96
	302		00	27	60
	304		00	21	16
	305	P	00	16	55
	305	P	00	01	00
	306		00	20	01
	327/1		00	16	59
	326		00	24	79
	325	P	00	25	44
	325	P	00	20	32
	324	P	00	02	63
	316		00	23	67
	310	P	00	33	93
	314		00	02	18
	313/1	P	00	32	59
	312	P	00	12	93
	312	P	00	01	00
		Cart Track			
(6) MEHMEDABAD	455		00	27	81
	454		00	30	31
	457		00	08	89
	—	Cart Track	00	06	57
	459		00	55	35
	—	Cart Track	00	01	56

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(7) CHALWADA	28		00	34	62
	31		00	12	25
	29		00	11	58
	35		00	17	89
	34		00	24	18
	37		00	02	18
	33		00	00	17
	40		00	17	68
	41		00	17	78
	43/1	P	00	41	18
	—		00	02	97
	71	P	00	50	31
	101	P	00	23	52
	101	P	00	05	28
	102/1	P	00	14	45
	112/4		00	28	84
	103/1		00	21	87
	103/2		00	28	59
	105	P	00	05	84
	105	P	00	00	80
	111/1	P	00	08	97
	110		00	21	30
	106		00	27	00
	128/1	P	00	18	68
			00	01	80
	141	P	00	15	74
	142		00	53	89
	145/1		00	08	73

State :- Gujarat

District :- Patan

Taluka :- Radhanpur

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(7) CHALWADA (Contd.)	145/2		00	14	92
	151		00	24	16
	146		00	19	19
	150		00	06	91
	149	P	00	22	81
	149	P	00	25	20
	148	P	00	24	38
	148	P	00	14	98
	154		00	21	65
	—	Cart Track	00	03	54
	188		00	00	89
(8) BANDHWAD	229	P	00	14	93
	231/1	P	00	34	52
	231/1	P	00	09	20
	231/1	P	00	14	02
	232	P	00	15	52
	232	P	00	18	29
	—	Cart Track	00	04	60
	239	P	00	02	05
	234	P	00	40	33
	234	P	00	19	40
	234	P	00	16	62
	234	P	00	02	43
	246		00	28	53
	247	P	00	02	38
	247	P	00	25	81
	248	P	00	00	90
	248	P	00	17	37
	251	P			

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(8) BANDHWAD (Contd.)	251	P	00	09	45
	250		00	02	43
	—	Cart Track	00	10	83
	13	P	00	12	58
	15		00	39	69
	16		00	36	53
(9) DEV	149		00	15	04
	148	P	00	27	72
	148	P	00	23	58
	—	Cart Track	00	03	73
	142		00	18	50
	143	P	00	51	28
	143	P	00	16	96
	144	P	00	03	04
	138	P	00	15	49
	138	P	00	00	90
	129		00	18	73
	128/2	P	00	04	70
	128/1	P	00	32	40
	126	P	00	21	48
	124		00	26	01
	123		00	08	58
	125	P	00	04	14
	125	P	00	06	54
	98		00	16	29
	96		00	01	90
	94		00	33	15
	95		00	00	64

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(9) DEV (Contd.)	93		00	14	61
	92		00	19	95
	91		00	24	15
	59	P	00	63	04
	59	P Cart Track	00	01	08
	62		00	23	16
	63		00	06	18
	64		00	18	81
	65		00	17	76
	66		00	25	06
	67		00	17	61
	77	P	00	14	43
	77	P	00	24	01
	71		00	21	37
	76	P	00	21	18
	76	P	00	08	88
	76	P	00	16	85
	75		00	02	05
	74		00	25	88
(10) SULTANPURA	125/1		00	18	65
	125/2		00	18	42
	125/3		00	18	63
	—	Cart Track	00	03	74
	160	P	00	32	59
	157/2		00	23	27
	158/2	P	00	01	76
	158/1		00	61	93
	156		00	00	38
	—	Cart Track	00	03	08

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(11) SUBAPURA	186		00	07	50
	10		00	12	51
	187/1	P	00	06	23
	187/1	P Cart Track	00	01	10
	188	P	00	04	61
	188	P Cart Track	00	01	10
	189	P	00	14	98
	189	P Cart Track	00	01	10
	11	P	00	00	10
	190	P	00	09	60
	12/1	P	00	29	01
	44	P	00	23	11
	195		00	00	97
	196/1	P	00	06	51
	197	P	00	15	77
	197	P Cart Track	00	01	05
	45	P	00	01	53
	204		00	15	74
	205	P	00	13	01
	205	P Cart Track	00	01	08
	—	Cart Track	00	01	52
	206/1		00	13	92
	209		00	16	36
	210		00	18	24
	51/1		00	30	89
	51/2		00	31	16
	214		00	11	51
	—	Cart Track	00	04	16

Taluka :- Radhanpur

District :- Patan

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq. mt.
1	2	3	4		
(11) SUBAPURA (Contd.)	219		00	01	57
	218	P	00	28	96
	215	P	00	26	74
	216	P	00	34	10
	217	P	00	52	17

[No. R-31015/8/2002-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 12 मार्च, 2003

का. आ. 871.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं सं. का. आ. 1152 तारीख 3 अप्रैल 2002, और सं. का. आ. 2130 तारीख 25 जून 2002 द्वारा जो भारत के राजपत्र में क्रमशः तारीख 6 अप्रैल 2002 और तारीख 29 जून 2002 द्वारा प्रकाशित की गई थीं, उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्दसिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन परियोजना के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को क्रमशः तारीख 13 जून 2002, और 31 जुलाई 2002 को उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें निपटा दिया गया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार अर्जित करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के लिए उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची

तालुका :- धानेरा

जिला :- बनासकांठा

राज्य :- गुजरात

गौव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
1. खिमत	69		00	07	65
	68	पैकी	00	15	97
	68	पैकी	00	24	80
	66	पैकी	00	14	77
	67	पैकी	00	21	71
	67	पैकी कार्ट ट्रेक	00	00	18
	64	पैकी	00	04	78
	64	पैकी कार्ट ट्रेक	00	00	98
	200		00	32	02
	201	पैकी	00	12	35
	-	कार्ट ट्रेक	00	01	07
	267	पैकी	00	24	79
	267	पैकी	00	07	40
	267	पैकी	00	18	90
	1055/1	पैकी	00	11	13
	1055/1	पैकी कार्ट ट्रेक	00	00	67
	268	पैकी	00	02	69
	269		00	18	70
	332		00	32	59
	331		00	17	28
	329		00	01	32
	330	पैकी	00	34	03
	330	पैकी कार्ट ट्रेक	00	00	95
	335	पैकी	00	08	43
	335	पैकी	00	16	00
	336	पैकी	00	07	63
	320	पैकी	00	53	74
	320	पैकी कार्ट ट्रेक	00	01	10

तालुका :- धानेरा .

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			इक्का	आर	सन्टी आर
1	2	3	4		
1. खिमत (जारी)	341		00	31	01
	345	पेकी	00	28	98
	345	पेकी	00	21	44
	344		00	41	49
	353	पेकी	00	44	97
	353	पेकी कार्ट ट्रेक	00	01	79
	367	पेकी	00	05	07
	367	पेकी कार्ट ट्रेक	00	01	65
	366	पेकी	00	15	55
	366	पेकी	00	49	37
	356	पेकी	00	36	72
	356	पेकी	00	33	41
	356	पेकी	00	14	30
	356	पेकी	00	15	89
	359	पेकी	00	42	88
	359	पेकी नाला	00	00	51
	355	पेकी	00	13	21
2. रवि	183		00	28	57
	182		00	13	45
	181		00	12	76
	184	पेकी	00	39	25
	185		00	34	04
3. वासदा	71		01	04	90
	73	पेकी	00	18	75
	72		00	19	58
	70		00	05	74
	7	पेकी कार्ट ट्रेक	00	01	10
	7	पेकी	00	43	64
	5		00	19	17
	4	पेकी	00	03	04

तालुका :- धानेरा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
3. वासदा (जारी)	9	पैकी	00	20	82
	9	पैकी	00	15	85
	--	कार्ट ट्रैक	00	01	20
	11	पैकी	00	21	48
	11	पैकी	00	01	98
	12	पैकी	00	25	42
	13/1		00	14	56
	13/2		00	43	68
4. मांडल	10		00	00	25
	19	पैकी	00	06	47
	19	पैकी	00	12	03
	19	पैकी	00	12	96
	19	पैकी	00	12	48
	19	पैकी	00	18	78
	20/1		00	25	67
	20/2		00	08	36
	20/3		00	03	40
	21	पैकी	00	03	92
	28		00	35	37
	34	सुकल नदी	01	12	25
	35	पैकी	00	26	42
	35	कार्ट ट्रैक	00	01	00
5. रामपुरा (बाघपुरा)	91	पैकी	00	03	15
	15	पैकी	00	19	13
	14	पैकी	00	08	76
	14	पैकी	00	06	81
	14	पैकी	00	08	33
	14	पैकी	00	15	51
	14	पैकी	00	00	63
	10	पैकी	00	64	26

तालुका :- धानेरा

जिला :- बनासकांठ

राज्य :- गुजरात

गौव का नाम	(खसरा) सर्वेक्षण कमांक	हिस्सा कमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
5. रामपुरा (वाघपुरा) (जारी)	21	पैकी	00	86	02
	21	पैकी कार्ट ट्रेक	00	01	45
	22	पैकी	00	21	91
	22	पैकी	00	02	11
	22	पैकी कार्ट ट्रेक	00	00	22
6. आलवाडा	240	पैकी	00	27	00
	240	पैकी	00	04	86
	242		00	34	56
	243	पैकी	00	24	93
	---	नाला	00	01	08
	245	पैकी	00	21	04
	245	पैकी	00	20	13
	---	नाला	00	01	10
	250/2	पैकी	00	32	42
	250/2	पैकी कार्ट ट्रेक	00	01	10
	253	पैकी नाला	00	00	52
	253	पैकी	00	11	44
	253	पैकी	00	18	76
	254+255		00	49	96
	260		00	17	00
	259/1	पैकी	00	19	76
	259/2	पैकी	00	18	40
	258		00	19	65
	430	पैकी	02	65	10
	---	नाला	00	09	90
	(52+431)/5	पैकी कार्ट ट्रेक	00	01	46
	(52+431)/5	पैकी	00	15	20
	(52+431)/2		00	14	40
	(52+431)/6		00	00	44
	53	पैकी	00	21	32

तासुका :- घानेरा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
6. आलवाडा (जारी)	53	पैकी	00	00	44
	54/2		00	22	28
	49/1		00	12	32
	49/2		00	03	08
	55		00	00	86
	48	पैकी	00	14	48
	48	पैकी	00	08	72
	48	पैकी	00	08	80
	71	पैकी	00	52	38
	71	पैकी	00	00	81
	72		00	28	41
	---	सुकाल नदी	00	24	96
	---	कार्ट ट्रैक	00	03	30
	127		00	19	08
	126	पैकी	00	03	42
	125		00	38	88
	124	पैकी	00	37	80
	99/4		00	07	94
	99/5		00	16	96
	99/6		00	15	88
	100/2		00	06	78
	100/1		00	10	00
	101/5		00	14	32
	101/3		00	07	79
	101/2		00	03	58
	101/1		00	05	21
	102	पैकी	00	09	09
	102	पैकी	00	11	79
	102	पैकी	00	16	56
	108	पैकी	00	20	97

तालुका :- धानेरा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
6. आलवाडा (जारी)	108	पैकी	00	12	69
	107	पैकी	00	00	27
	106	पैकी	00	54	43
	106	पैकी	00	01	10
	110	पैकी	00	24	41
	113	पैकी	00	13	72
	113	पैकी	00	10	84
	113	पैकी	00	12	68
	111	पैकी	00	10	12
	112	पैकी	00	25	92
	112	पैकी	00	04	28
		कर्ट ट्रेक			
7. कुंडी	178	पैकी	00	15	60
	178	पैकी	00	17	02
	178	पैकी	00	06	79
	178	पैकी	00	04	50
	177		00	28	45
	175		00	08	97
	174		00	54	37
	198	पैकी	01	42	16
	198	पैकी	00	01	10
	198	पैकी	00	01	10
	198	पैकी	00	01	10
	---	इन	00	01	10
	(1+2)/2	पैकी	00	11	11
	(1+2)/1		00	07	53
	3		00	16	40
	---	कर्ट ट्रेक	00	02	72
	16	पैकी	00	15	53
	16	पैकी	00	26	55
	15/6		00	08	02

ब्लॉक :- धानेरा

जिला :- बनासकांठा

राज्य :- गुजरात

नौव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
7. कुंभी (जारी)	22	पैकी कार्ट ट्रैक	00	06	86
	21		00	13	53
	21		00	01	10
	26		00	27	44
	25		00	01	16
	25		00	11	20
	28		00	20	70

[फा. सं. आर-31015/48/2002-ओ.आर-II]

हरीश कुमार, अवर सचिव

अधिसूचना का.आ. 1152 दिनांक 3 अप्रैल 2002 भारत के राजपत्र दिनांक 6 अप्रैल 2002 में, का.आ. 2130 दिनांक 25 जून 2002 भारत के राजपत्र दिनांक 29 जून 2002 में प्रकाशित की गई।

New Delhi, the 12th March, 2003

S. O. 871.— Whereas by notifications of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.1152 dated the 3rd April 2002 and S.O. 2130 dated the 25th June 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 6th April 2002 and dated the 29th June 2002 respectively, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to those notifications for the purpose of laying pipeline for transport of petroleum products from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda crude oil pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notifications were made available to the public on the 13th June 2002 and the 31st July 2002 respectively;

And whereas, the objections received from the public to the laying of the pipeline have been considered and settled by the competent authority;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in the Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited) free from all encumbrances.

SCHEDULE

Taluka :- Dhanera

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
I. KHINMAT	69		00	07	65
	68	P	00	15	97
	68	P	00	24	80
	66	P	00	14	77
	67	P	00	21	71
	67	P Cart Track	00	00	18
	64	P	00	04	78
	64	P Cart Track	00	00	98
	200		00	32	02
	201	P	00	12	35
	-	Cart Track	00	01	07
	267	P	00	24	79
	267	P	00	07	40
	267	P	00	18	90
	1055/1	P	00	11	13
	1055/1	P Cart Track	00	00	67
	268	P	00	02	69
	269		00	18	70
	332		00	32	59
	331		00	17	28
	329		00	01	32
	330	P	00	34	03
	330	P Cart Track	00	00	95
	335	P	00	08	43
	335	P	00	16	00
	336	P	00	07	63
	320	P	00	53	74
	320	P Cart Track	00	01	10

Taluka :- Dhanera

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
1. KHINMAT (Contd.)	341		00	31	01
	345	P	00	28	98
	345	P	00	21	44
	344		00	41	49
	353	P	00	44	97
	353	P Cart Track	00	01	79
	367	P	00	05	07
	367	P Cart Track	00	01	65
	366	P	00	15	55
	366	P	00	49	37
	356	P	00	36	72
	356	P	00	33	41
	356	P	00	14	30
	356	P	00	15	89
	359	P	00	42	88
	359	P Nala	00	00	51
	355	P	00	13	21
2. RAVI	183		00	28	57
	182		00	13	45
	181		00	12	76
	184	P	00	39	25
	185		00	34	04
3. WASDA	71		01	04	90
	73	P	00	18	75
	72		00	19	58
	70		00	05	74
	7	P Cart Track	00	01	10
	7	P	00	43	64
	5		00	19	17
	4	P	00	03	04

Taluka :- Dhanera

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Hs.	Ar.	Sq. mt.
1	2	3	4		
3. WASDA (Contd.)	9	P	00	20	82
	9	P	00	15	85
	—	Cart Track	00	01	20
	11	P	00	21	48
	11	P	00	01	98
	12	P	00	25	42
	13/1		00	14	56
	13/2		00	43	68
4. MANDAL	10		00	00	25
	19	P	00	06	47
	19	P	00	12	03
	19	P	00	12	96
	19	P	00	12	48
	19	P	00	18	78
	20/1		00	25	67
	20/2		00	08	36
	20/3		00	03	40
	21	P	00	03	92
	28		00	35	37
	34	Sukal River	01	12	25
	35	P	00	26	42
	35	Cart Track	00	01	00
5. RAMPURA (Vaghpura)	91	P	00	03	15
	15	P	00	19	13
	14	P	00	08	76
	14	P	00	06	81
	14	P	00	08	33
	14	P	00	15	51
	14	P	00	00	63
	10	P	00	64	26

Taluka :- Dhanera

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
5. RAMPURA (Vaghpura) (Contd.)	21	P	00	86	02
	21	P Cart Track	00	01	45
	22	P	00	21	91
	22	P	00	02	11
	22	P Cart Track	00	00	22
6. ALWADA	240	P	00	27	00
	240	P	00	04	86
	242		00	34	56
	243	P	00	24	93
	---	Nala	00	01	08
	245	P	00	21	04
	245	P	00	20	13
	---	Nala	00	01	10
	250/2	P	00	32	42
	250/2	P Cart Track	00	01	10
	253	P Nala	00	00	52
	253	P	00	11	44
	253	P	00	18	76
	254+255		00	49	96
	260		00	17	00
	259/1	P	00	19	76
	259/2	P	00	18	40
	258		00	19	65
	430	P	02	65	10
	---	Nala	00	09	90
	(52+431)/5	P Cart Track	00	01	46
	(52+431)/5	P	00	15	20
	(52+431)/2		00	14	40
	(52+431)/6		00	00	44
	53	P	00	21	32

Taluka :- Dhanera

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
6. ALWADA (Contd.)	53	P	00	00	44
	54/2		00	22	28
	49/1		00	12	32
	49/2		00	03	08
	55		00	00	86
	48	P	00	14	48
	48	P	00	08	72
	48	P	00	08	80
	71	P	00	52	38
	71	P	00	00	81
	72		00	28	41
	---	Sukal River	00	24	96
	---	Cart Track	00	03	30
	127		00	19	08
	126	P	00	03	42
	125		00	38	88
	124	P	00	37	80
	99/4		00	07	94
	99/5		00	16	96
	99/6		00	15	88
	100/2		00	06	78
	100/1		00	10	00
	101/5		00	14	32
	101/3		00	07	79
	101/2		00	03	58
	101/1		00	05	21
	102	P	00	09	09
	102	P	00	11	79
	102	P	00	16	56
	108	P	00	20	97

Taluka :- Dhanera

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
6. ALWADA (Contd.)	108	P	00	12	69
	107	P	00	00	27
	106	P	00	54	43
	106	P Cart Track	00	01	10
	110	P	00	24	41
	113	P	00	13	72
	113	P	00	10	84
	113	P	00	12	68
	111	P	00	10	12
	112	P	00	25	92
	112	P	00	04	28
7. KUNDI	178	P	00	15	60
	178	P	00	17	02
	178	P	00	06	79
	178	P	00	04	50
	177		00	28	45
	175		00	08	97
	174		00	54	37
	198	P	01	42	16
	198	P Cart Track	00	01	10
	198	P Cart Track	00	01	10
	198	P Cart Track	00	01	10
	---	Drain	00	01	10
	(1+2)/2	P	00	11	11
	(1+2)/1		00	07	53
	3		00	16	40
	---	Cart Track	00	02	72
	16	P	00	15	53
	16	P	00	26	55
	15/6		00	08	02

Taluka :- Dhanera

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
7. KUNDI (Contd.)	22		00	06	86
	21	P	00	13	53
	21	P Cart Track	00	01	10
	26		00	27	44
	25	P	00	01	16
	25	P	00	11	20
	28		00	20	70

[No. R-31015/48/2002-O.R.-II]

HARISH KUMAR, Under Secy.

Foot note : Notification S.O. 1152 dated the 3rd April 2002, published in the Gazette of India dated the 6th April, 2002, Notification S.O. 2130 dated the 25th June 2002 and published in Gazette of India dated the 29th June, 2002

नई दिल्ली, 12 मार्च, 2003

का. आ. 872.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 1581 तारीख 6 मई 2002 और का आ. 300 तारीख 31 जनवरी 2002 द्वारा गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक पुनः गैसीकृत द्रवित प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और, उक्त अधिसूचना की प्रतियाँ जनता को तारीख क्रमशः तारीख 13 मार्च 2002, 19 मार्च 2002, 19 जुलाई 2002 को उपलब्ध करा दी गई थीं ;

और, सक्षम प्राधिकारी ने पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर विचार कर लिया है और उन्हें अननुज्ञात कर दिया है ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के प्रयोजन के लिए उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लिंगों से मुक्त गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड में निहित होगा।

अनुसूचि

तालुका : बोटिया

ज़िला : सुरेन्द्रनगर

राज्य : गुजरात

जांच का नाम	सर्वेक्षण संख्या / खंड संख्या	क्षेत्रफल		
		हेक्टर	एअर	सेन्टीएअर
1	2	3	4	5
1. अमेयर	35/2	0	26	10
	38/6	0	52	90
कुल		0	79	00

तालुका : वढवाण

ज़िला : सुरेन्द्रनगर

राज्य : गुजरात

जांच का नाम	सर्वेक्षण संख्या / खंड संख्या	क्षेत्रफल		
		हेक्टर	एअर	सेन्टीएअर
1	2	3	4	5
1. रामपुरा	1033	0	35	00
कुल		0	35	00

[फा. सं. एल.-14014/7/02-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 12th March, 2003

S. O. 872.—Whereas, by notification of the Government of India in the Ministry of Petroleum and Natural Gas Number S.O. 1581, dated the 06th May, 2002 and S. O. 300, dated the 31st January, 2002, issued under sub-section (1) of section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of regassified liquefied natural gas through the Jamnagar – Bhopal Pipeline Project from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh by Gas Transportation and Infrastructure Company Limited;

And whereas copies of the said Gazette notification were made available to the public on the 13th March, 2002, 19th March, 2002 and 19th July, 2002;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government after considering the said report and on being satisfied that the said land is required for laying the Pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Gas Transportation and Infrastructure Company Limited, free from all encumbrances.

SCHEDULE

Taluka : CHOTILA

District : SURENDRANAGAR

State : GUJARAT

Name of the Village	Survey No.	AREA		
		Hectare	Are	Sq.Mtr.
1	2	3	4	5
1. ABHEPAR	35/2	0	26	10
	36/6	0	52	90
TOTAL		0	79	00

Taluka : WADHWAN

District : SURENDRANAGAR

State : GUJARAT

Name of the Village	Survey No.	AREA		
		Hectare	Are	Sq.Mtr.
1	2	3	4	5
1. RAMPURA	1033	0	35	00
TOTAL		0	35	00

[No. L-14014/7/02-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 12 मार्च, 2003

का. आ. 873.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 1723 और, का आ. 1724 तारीख 21 मई 2002 द्वारा जामनगर-भोपाल पाइपलाइन परियोजना के माध्यम से गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक पुनः गैसीकृत द्रवित प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 7 जून 2002 को उपलब्ध करा दी गई थी ;

और, पाइपलाइन बिछाई जाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर विचार सक्षम प्राधिकारी द्वारा कर लिया है और उन्हें अननुज्ञात कर दिया गया है ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उक्त भूमि अपेक्षित है उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त गैस ट्रांसपोर्टेशन और इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड में निहित होगा।

अनुसूची				
तहसील: सोनकच्छ	जिला: देवास		राज्य: मध्य प्रदेश	
गाँव का नाम	क्षेत्रफल			
	सर्वे नंबर	हेक्टर	आरे	सि-आरे
1	2	3	4	5
1. दौलतपुर प.ह.न. 29	651	0	06	00
	योग	0	06	00
2. डकाच्या प.ह.न. 22	782	0	02	00
	1152	0	01	50
	1373	0	03	00
	योग	0	06	50
3. सोनकच्छ प.ह.न. 26	876-877	0	03	40
	888/2-889/5	0	16	00
	888/1-889/4,890	0	60	50
	1315-1316-1317- 1318-1323	0	38	90
	योग	1	18	80
4. पौलाय जागीर प.इ.न. 23	118	0	02	00
	470/1777	0	14	10
	886/1	0	08	00
	886/3	0	04	00
	887	0	02	00
	103	0	24	00
	योग	0	54	10

[फा. सं. एल.-14014/29/01-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 12th March, 2003

S. O. 873.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas. S.O. 1723 and S.O. 1724, dated the 21st May, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of regassified liquefied natural gas through the Jamnagar – Bhopal Pipeline Project from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh by Gas Transportation and Infrastructure Company Limited;

And whereas copies of the said Gazette notification were made available to the public on the 7th June, 2002;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Gas Transportation and Infrastructure Company Limited free from all encumbrances.

SCHEDULE				
Tehsil: Sonkutch	District: Dewas		State: Madhya Pradesh	
Name of the Village	Survey No	Hectare	Area	C-Are
1	2	3	4	5
1. DAULATPUR P.C.NO – 29	651	0	06	00
	TOTAL	0	06	00
2. DAKATCHIA P.C.NO – 22	782	0	02	00
	1152	0	01	50
	1373	0	03	00
	TOTAL	0	06	50
3. SONKUTCH P.C.NO – 26	876-877	0	03	40
	888/2-889/5	0	16	00
	888/1-889/4,890	0	60	50
	1315-1316-1317- 1318-1323 }	0	38	90
	TOTAL	1	18	80
4. POLAI JAGIR P.C.NO – 23	118	0	02	00
	470/1777	0	14	10
	886/1	0	08	00
	886/3	0	04	00
	887	0	02	00
	103	0	24	00

[No. L-14014/29/01-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 12 मार्च, 2003

का. आ. 874.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 3401 तारीख 18 अक्टूबर, 2002 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मैसर्स रिलायंस इन्डस्ट्रीज लिमिटेड जो मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की समप्रवर्तक कंपनी है द्वारा गोवा के उत्तरी / दक्षिणी अपतट के खोज ब्लाकों और आन्ध्रप्रदेश की संरचनाओं से आन्ध्रप्रदेश राज्य में जिला पूर्वी गोदावरी के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की यह घोषणा की थी कि मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ साधारण जनता को तारीख 24 नवम्बर 2002 को उपलब्ध करा दी गई थीं ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार का अर्जन किया जाए ;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लंगमों से मुक्त, मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड में निहित होगा।

अनुसूची					
मण्डल : पेठदपूडि		जिला : ईस्ट गोदावरी		राष्ट्र : आन्ध्रप्रदेश	
गंव का नाम	सर्वे नंबर	सब-डिविजन नंबर	हेक्टेर	ऐर	सि-ऐर
1	2	3	4	5	6
1. वारकुदुरु	134	2	0	04	35
कुल	1	-	0	04	35
2. अच्युतापूरत्रयम	235	1B3	0	25	05
	236	1B1	0	03	40
	236	2A	0	06	55
	236	2B	0	12	00
	242	5	0	00	60
	242	9	0	02	45
	242	10	0	02	55
	248	2	0	01	40
	251	13	0	00	10
	251	14	0	00	50
	252	1	0	00	60
	252	8	0	02	50
	252	10	0	38	35
	254	4	0	08	95
	254	5	0	15	05
	256	1	0	02	25
	256	2	0	13	95
	256	3	0	00	40
	256	4	0	14	15
	256	5	0	12	50
	257	1	0	11	05
	257	2	0	07	60
	257	3	0	06	60
	257	4	0	02	55
	258	10	0	00	35
	258	11	0	04	00
	278	1	0	07	80
	280	2	0	51	60
	284	-	0	60	05
	287	2	0	30	55
	288	-	0	33	20
	289	2	0	00	10
	290	-	0	14	65
	300	1	0	24	35
	300	2	0	01	40
	300	3	0	05	45
	301	1	0	46	35
	302	-	0	09	40
	371	-	0	68	85
	372	1	0	09	40
	374	9	0	04	70
	374	10	0	03	80
कुल	42	-	5	67	10

मण्डल : काफिलाडा		जिला : ईस्ट गोदावरी		राष्ट्र : आन्ध्रप्रदेश	
1	2	3	4	5	6
1. तिममापूरम	205	1	0	13	25
	205	2	0	12	10
	205	3	0	04	35
	207	3	0	23	90
	208	-	0	10	55
	211	1	0	14	65
	213	-	0	10	85
	214	1	0	09	75
	215	1	0	09	05
	216	1	0	08	90
	219	1	0	08	65
	220	1	0	09	05
	221	1	0	10	20
	222	1	0	07	30
	224	1	0	05	00
	225	1	0	02	40
	225	2	0	04	45
	226	2A	0	03	15
	226	2C	0	04	40
	227	1	0	06	30
	228	1	0	06	50
	228	2	0	00	10
	229	1	0	01	05
	229	2	0	05	85
	231	2	0	11	65
	234	-	0	19	10
	235	-	0	30	85
	240	-	0	23	80
	241	1	0	08	20
	241	3	0	10	45
	242	1B	0	24	25
	288	1A1/J	0	01	40
	288	1A1/K	0	05	65
	288	1A1/L	0	05	00
	288	1A1/M	0	07	70
	288	1A1/N	0	09	55
	288	1A1/O	0	08	95
	288	1A1/P	0	02	70
	288	1A2	0	35	75
	289	-	0	18	00
	299	1	0	15	45
	301	2A/1	0	09	85
	301	3B	0	17	80
	302	1	0	14	65
	302	2	0	30	35
	303	1	0	02	20
	303	2	0	02	60
कुल	47	-	5	07	65

1	2	3	4	5	6
2. पान्दूरु	317	-	0	15	25
	318	-	0	34	60
	393	1	0	03	55
	393	2	0	08	85
	393	3	0	09	60
	394	1	0	13	60
	394	3	0	05	10
	396	1	0	06	65
	396	2	0	06	75
	397	-	0	19	65
	398	-	0	00	10
	401	3	0	17	15
	402	-	0	02	35
	404	-	0	04	30
	406	2	0	03	30
	407	1/1	0	07	20
	407	1/2	0	09	70
	407	2	0	02	50
	408	2/1	0	11	15
	410	1	0	04	35
	411	3/1	0	09	80
	413	-	0	13	45
	420	3	0	04	85
	424	3	0	09	60
	424	6	0	23	25
	426	1	0	04	10
	426	3A	0	00	10
	429	-	0	55	85
कुल	28	-	3	06	90
3. तामवरम	1	2A	0	04	65
	1	2B	0	13	90
	1	2C	0	00	25
	1	3	0	14	05
	1	6	0	13	25
	9	1	0	20	40
	9	2	0	09	55
	121	1	0	00	40
	121	3/1	0	24	10
	121	3/3	0	02	90
	144	3	0	04	35
	144	4	0	13	45
	148	-	0	07	35
	157	3	0	18	40
	159	2	0	01	85
	159	3	0	08	20

1	2	3	4	5	6
3. तामवरम (निरंतर)	160	2	0	17	60
	179	1	0	24	10
	179	2	0	18	50
	190	1	0	23	10
	191	1	0	16	75
	286	3	0	00	85
	287	13C	0	24	15
	287	14B1	0	09	40
	287	14B2	0	18	00
	308	4	0	08	70
	308	5	0	00	10
Total	27	-	3	18	30
4. नैमम	11	1	0	54	05
	11	2	0	01	55
	11	3	0	33	80
	13	-	0	07	20
	16	4	0	02	75
	16	5	0	00	70
	18	1	0	02	95
	25	2	0	06	75
	26	-	0	01	25
	28	1	0	09	05
	28	2	0	15	35
	28	3	0	01	80
	30	1	0	01	05
	85	-	0	02	65
	87	-	0	45	70
	88	1	0	00	20
	89	3	0	21	35
	99	1	0	20	90
	99	4	0	01	25
	100	1	0	01	45
	113	3	0	14	20
	115	3	0	03	05
	117	1	0	08	15
कुल	23	-	2	57	15
5. पेनुमर्ति	14	3	0	03	10
	14	1	0	32	25
	15	1	0	00	10
	16	1	0	15	70
	16	2	0	17	45
	16	3	0	12	65
	17	1	0	00	70
	17	2	0	16	20
	33	3A	0	04	70
	33	3B	0	04	30

1	2	3	4	5	6
5. पेनूमर्ति (निरंतर)	33	3C	0	04	80
	33	4	0	16	05
	33	11	0	19	30
	33	12	0	10	40
	37	4	0	51	95
	57	2	0	10	90
	58	5	0	19	60
कुल	17	-	2	40	15
6. वाकालपूडि	239	-	0	10	60
	249	2	0	43	45
	251	1	0	39	65
कुल	3	-	0	93	70

मण्डल : कोल्हापूर	जिला : ईस्ट गोवावरि	0	93	70
1. कोमरगिरि			राष्ट्र : आन्ध्रप्रदेश	
668	-	0	00	65
669	1	0	01	30
669	3B	0	02	00
670	2	0	06	60
671	2	0	05	45
672	1C	0	12	20
672	2B	0	12	55
672	2C	0	03	20
674	1	0	04	45
674	2	0	03	35
676	-	0	14	15
677	-	0	00	10
701	3	0	00	65
702	1	0	00	10
702	2	0	06	75
702	3	0	07	50
702	4	0	00	65
704	-	0	27	85
717	1	0	00	70
719	1	0	00	30
719	2	0	03	55
719	3	0	06	70
721	-	0	08	95
722	8	0	00	10
920	10	0	00	35
920	11	0	17	35
920	6C	0	00	10
920	7A	0	05	80
920	7B	0	03	35
922	14D	0	00	15
922	15A	0	01	25
922	15B	0	12	35
922	15C	0	13	15
922	16A	0	00	80

1	2	3	4	5	6
1. कोमरगिरि (निरंतर)	922	16B	0	00	15
	930	4	0	22	25
	930	5	0	01	15
	930	6	0	00	10
	930	7	0	01	95
	933	9	0	09	55
	933	15	0	09	00
	933	16	0	04	20
	933	17	0	04	55
	936	-	0	06	90
	955	-	0	13	30
	956	-	0	12	65
	958	-	0	14	25
	959	-	0	13	40
	960	5	0	07	00
	961	1	0	06	65
	961	2	0	09	30
	961	3	0	15	85
	962	1A	0	00	65
	962	1B	0	09	00
	962	1C	0	04	75
	962	1E	0	04	65
	962	1F	0	00	55
	962	1H	0	00	15
कुल	58	-	3	56	40
मण्डल : राजानगरम	जिला : ईस्ट गोदावरी		राष्ट्र : आन्ध्रप्रदेश		
1. कोन्डगुन्दूरु	48	-	0	02	50
	49	-	0	44	75
	64	-	0	22	35
	65	-	0	23	60
	66	-	0	36	00
	67	-	0	00	50
	70	7	0	09	10
कुल	7	-	1	38	80
मण्डल : कन्नियम	जिला : ईस्ट गोदावरी		राष्ट्र : आन्ध्रप्रदेश		
1. जेगूरुपाडू	5	1	0	20	05
	5	2	0	27	25
	15	1	0	00	10
	15	10	0	00	65
	15	11	0	20	65
	15	12	0	04	10
	15	14	0	23	05
	19	1	0	01	65
	19	2	0	17	10
	20	1	0	15	90
	21	2	0	08	05

1	2	3	4	5	6
1. जेगूरुपाडू (निरंतर)	22	1	0	03	90
	24	3B	0	03	25
	24	3C	0	11	05
	25	6	0	01	50
	25	7	0	01	85
	27	1A	0	00	25
	27	2	0	10	75
	27	3	0	08	90
	27	4	0	04	95
	29	1	0	18	95
	33	1	0	16	35
	33	2	0	05	25
	34	2	0	04	95
	34	4	0	00	10
	34	5	0	07	70
	34	6	0	06	50
	39	3	0	05	20
	39	4	0	00	30
	39	5	0	03	55
	39	6	0	04	00
	39	8	0	09	55
	39	9	0	00	95
	48	7	0	05	30
	48	8	0	04	20
	66	1	0	03	25
	66	2B	0	16	05
	71	3	0	09	25
	71	5A	0	10	50
	71	5B	0	06	70
	72	1A	0	15	15
	72	2B	0	08	95
	72	3A	0	09	90
	75	3B1A	0	09	40
	75	4A1	0	28	80
	76	9	0	24	10
	76	11	0	00	10
	77	4B1	0	00	80
	79	7	0	02	70
	79	10	0	05	50
	148	2	0	00	90
	148	3	0	05	45
	148	4	0	02	65
	148	5	0	03	35
	148	7	0	00	65
	148	8	0	06	65
	148	9	0	14	10
	148	12	0	12	75

1	2	3	4	5	6
1. जेगुरुपाडू (निरंतर)	148	15	0	00	45
	163	2A	0	21	05
	163	2B	0	05	80
	163	2C	0	09	65
	165	2B	0	17	35
	165	3A	0	10	05
	165	4A	0	14	60
	165	6A	0	10	50
	167	1	0	14	70
	172	3B	0	06	10
	172	6A	0	17	75
	173	2B	0	25	00
	179	2	0	05	70
कुल	71	-	6	34	15
2. कडियम	505	1B	0	06	30
	506	-	0	10	40
	507	15	0	14	85
	508	1A	0	07	20
	508	1B	0	16	65
	508	1C	0	00	10
	508	2A	0	06	20
	580	8	0	00	10
	585	-	0	26	15
	590	6	0	02	70
	590	7B	0	00	10
	590	8	0	07	70
	590	9	0	05	00
	596	1	0	13	95
	596	2	0	00	25
	596	3	0	11	55
	596	7	0	05	75
	596	8	0	03	65
	596	9	0	07	45
	600	1	0	00	85
	600	2	0	04	75
	600	3	0	03	05
	651	1A	0	17	85
	651	1B	0	06	80
	651	1C	0	15	60
	651	3A	0	00	10
	651	3B	0	00	85
	651	4	0	00	10
	652	1D	0	02	45
	652	2B	0	17	90
	653	1	0	17	05
	653	2	0	00	10

1	2	3	4	5	6
2. कडियम (निरंतर)	653	3A	0	00	75
	654	3C	0	09	20
	654	4	0	15	70
	663	1	0	15	70
	682	-	0	06	55
	683	3	0	01	10
	683	4	0	02	45
कुल	39	-	2	84	95
3. वेमगिरि	231	1	0	13	95
कुल	1	-	0	13	95

[फा. सं. एल.-14014/46/02-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 12th March, 2003

S. O. 874.— whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural gas, S.O. 3401 dated 18th October, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of the Natural Gas from the exploration blocks in the Northern/Southern Offshore of Goa and Structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation & Infrastructure Company Limited to the various consumers of East Godavari District in the State of Andhra Pradesh, a Pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas, copies of the said Gazette notification were made available to the public on 24th day of November, 2002;

And whereas, the Competent Authority has under sub-section (1) of section 6 of said Act submitted report to the Central Government;

And further whereas, the central Government has, after considering the said report and on being satisfied that the said land is required for laying the Pipeline and has decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired, for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land shall instead of vesting in the Central Government, vest on this date of publication of this declaration, in Gas transportation and Infrastructure Company Limited, free from all encumbrances.

SCHEDULE

Mandal : Peddapudi

District : East Godavari

State : Andhra Pradesh

AREA

Name of the Village	Survey No	Sub-Division No	Hectare	Are	C-Are
1	2	3	4	5	6
1. Karakuduru	134	2	0	04	35
Total	1	-	0	04	35
2. Achyutapuratram	235	1B3	0	25	05
	236	1B1	0	03	40
	236	2A	0	06	55
	236	2B	0	12	00
	242	5	0	00	60
	242	9	0	02	45
	242	10	0	02	55
	248	2	0	01	40
	251	13	0	00	10
	251	14	0	00	50
	252	1	0	00	60
	252	8	0	02	50
	252	10	0	38	35
	254	4	0	08	95
	254	5	0	15	05
	256	1	0	02	25
	256	2	0	13	95
	256	3	0	00	40
	256	4	0	14	15
	256	5	0	12	50
	257	1	0	11	05
	257	2	0	07	60
	257	3	0	06	60
	257	4	0	02	55
	258	10	0	00	35
	258	11	0	04	00
	278	1	0	07	80
	280	2	0	51	60
	284	-	0	60	05
	287	2	0	30	55
	288	-	0	33	20
	289	2	0	00	10
	290	-	0	14	65
	300	1	0	24	35
	300	2	0	01	40
	300	3	0	05	45
	301	1	0	46	35
	302	-	0	09	40
	371	-	0	68	85
	372	1	0	09	40
	374	9	0	04	70
	374	10	0	03	80
Total	42	-	5	67	10

Mandal : Kakinada		District : East Godavari		State : Andhra Pradesh	
1	2	3	4	5	6
1. Timmapuram	205	1	0	13	25
	205	2	0	12	10
	205	3	0	04	35
	207	3	0	23	90
	208	-	0	10	55
	211	1	0	14	65
	213	-	0	10	85
	214	1	0	09	75
	215	1	0	09	05
	216	1	0	08	90
	219	1	0	08	65
	220	1	0	09	05
	221	1	0	10	20
	222	1	0	07	30
	224	1	0	05	00
	225	1	0	02	40
	225	2	0	04	45
	226	2A	0	03	15
	226	2C	0	04	40
	227	1	0	06	30
	228	1	0	06	50
	228	2	0	00	10
	229	1	0	01	05
	229	2	0	05	85
	231	2	0	11	65
	234	-	0	19	10
	235	-	0	30	85
	240	-	0	23	80
	241	1	0	08	20
	241	3	0	10	45
	242	1B	0	24	25
	288	1A1/J	0	01	40
	288	1A1/K	0	05	65
	288	1A1/L	0	05	00
	288	1A1/M	0	07	70
	288	1A1/N	0	09	55
	288	1A1/O	0	08	95
	288	1A1/P	0	02	70
	288	1A2	0	35	75
	289	-	0	18	00
	299	1	0	15	45
	301	2A/1	0	09	85
	301	3B	0	17	80
	302	1	0	14	65
	302	2	0	30	35
	303	1	0	02	20
	303	2	0	02	60
Total	47	-	5	07	65

1	2	3	4	5	6
2. Panduru	317	-	0	15	25
	318	-	0	34	60
	393	1	0	03	55
	393	2	0	08	85
	393	3	0	09	60
	394	1	0	13	80
	394	3	0	05	10
	396	1	0	06	65
	396	2	0	06	75
	397	-	0	19	65
	398	-	0	00	10
	401	3	0	17	15
	402	-	0	02	35
	404	-	0	04	30
	406	2	0	03	30
	407	1/1	0	07	20
	407	1/2	0	09	70
	407	2	0	02	50
	408	2/1	0	11	15
	410	1	0	04	35
	411	3/1	0	09	80
	413	-	0	13	45
	420	3	0	04	85
	424	3	0	09	60
	424	6	0	23	25
	426	1	0	04	10
	426	3A	0	00	10
	429	-	0	55	85
Total	28	-	3	06	90
3. Tamavaram	1	2A	0	04	65
	1	2B	0	13	90
	1	2C	0	00	25
	1	3	0	14	05
	1	6	0	13	25
	9	1	0	20	40
	9	2	0	09	55
	121	1	0	00	40
	121	3/1	0	24	10
	121	3/3	0	02	90
	144	3	0	04	35
	144	4	0	13	45
	148	-	0	07	35
	157	3	0	18	40
	159	2	0	01	85
	159	3	0	08	20

1	2	3	4	5	6
3. Tamavaram (Contd.)	160	2	0	17	60
	179	1	0	24	10
	179	2	0	18	50
	190	1	0	23	10
	191	1	0	16	75
	286	3	0	00	85
	287	13C	0	24	15
	287	14B1	0	09	40
	287	14B2	0	18	00
	308	4	0	08	70
	308	5	0	00	10
Total	27	-	3	18	30
4. Nemam	11	1	0	54	05
	11	2	0	01	55
	11	3	0	33	80
	13	-	0	07	20
	16	4	0	02	75
	16	5	0	00	70
	18	1	0	02	95
	25	2	0	06	75
	26	-	0	01	25
	28	1	0	09	05
	28	2	0	15	35
	28	3	0	01	80
	30	1	0	01	05
	85	-	0	02	65
	87	-	0	45	70
	88	1	0	00	20
	89	3	0	21	35
	99	1	0	20	90
	99	4	0	01	25
	100	1	0	01	45
	113	3	0	14	20
	115	3	0	03	05
	117	1	0	08	15
Total	23	-	2	57	15
5. Penumarti	14	3	0	03	10
	14	1	0	32	25
	15	1	0	00	10
	16	1	0	15	70
	16	2	0	17	45
	16	3	0	12	65
	17	1	0	00	70
	17	2	0	16	20
	33	3A	0	04	70
	33	3B	0	04	30

1	2	3	4	5	6
5. Penumarti (Contd.)	33	3C	0	04	80
	33	4	0	16	05
	33	11	0	19	30
	33	12	0	10	40
	37	4	0	51	95
	57	2	0	10	90
	58	5	0	19	60
Total	17	-	2	40	15

6. Vakalapudi	239	-	0	10	60
	249	2	0	43	45
	251	1	0	39	65
Total	3	-	0	93	70

Mandal : Kothapalli	District : East Godavari		State : Andhra Pradesh		
1. Komaragiri	668	-	0	00	65
	669	1	0	01	30
	669	3B	0	02	00
	670	2	0	06	60
	671	2	0	05	45
	672	1C	0	12	20
	672	2B	0	12	55
	672	2C	0	03	20
	674	1	0	04	45
	674	2	0	03	35
	676	-	0	14	15
	677	-	0	00	10
	701	3	0	00	65
	702	1	0	00	10
	702	2	0	06	75
	702	3	0	07	50
	702	4	0	00	65
	704	-	0	27	85
	717	1	0	00	70
	719	1	0	00	30
	719	2	0	03	55
	719	3	0	06	70
	721	-	0	08	95
	722	8	0	00	10
	920	10	0	00	35
	920	11	0	17	35
	920	6C	0	00	10
	920	7A	0	05	80
	920	7B	0	03	35
	922	14D	0	00	15
	922	15A	0	01	25
	922	15B	0	12	35
	922	15C	0	13	15
	922	16A	0	00	80

1	2	3	4	5	6
1. Komaragiri(Contd.)	922	16B	0	00	15
	930	4	0	22	25
	930	5	0	01	15
	930	6	0	00	10
	930	7	0	01	95
	933	9	0	09	55
	933	15	0	09	00
	933	16	0	04	20
	933	17	0	04	55
	936	-	0	06	90
	955	-	0	13	30
	956	-	0	12	65
	958	-	0	14	25
	959	-	0	13	40
	960	5	0	07	00
	961	1	0	06	65
	961	2	0	09	30
	961	3	0	15	85
	962	1A	0	00	65
	962	1B	0	09	00
	962	1C	0	04	75
	962	1E	0	04	65
	962	1F	0	00	55
	962	1H	0	00	15
Total	58	-	3	56	40
Mandal : Rajanagaram	District : East Godavari		State : Andhra Pradesh		
1. Kondagunturu	48	-	0	02	50
	49	-	0	44	75
	64	-	0	22	35
	65	-	0	23	60
	66	-	0	36	00
	67	-	0	00	50
	70	7	0	09	10
Total	7	-	1	38	80
Mandal : Kadiyam	District : East Godavari		State : Andhra Pradesh		
1. Jegurupadu	5	1	0	20	05
	5	2	0	27	25
	15	1	0	00	10
	15	10	0	00	65
	15	11	0	20	65
	15	12	0	04	10
	15	14	0	23	05
	19	1	0	01	65
	19	2	0	17	10
	20	1	0	15	90
	21	2	0	08	05

1	2	3	4	5	6
1. Jegurupadu(Contd.)	22	1	0	03	90
	24	3B	0	03	25
	24	3C	0	11	05
	25	6	0	01	50
	25	7	0	01	85
	27	1A	0	00	25
	27	2	0	10	75
	27	3	0	08	90
	27	4	0	04	95
	29	1	0	18	95
	33	1	0	16	35
	33	2	0	05	25
	34	2	0	04	95
	34	4	0	00	10
	34	5	0	07	70
	34	6	0	06	50
	39	3	0	05	20
	39	4	0	00	30
	39	5	0	03	55
	39	6	0	04	00
	39	8	0	09	55
	39	9	0	00	95
	48	7	0	05	30
	48	8	0	04	20
	66	1	0	03	25
	66	2B	0	16	05
	71	3	0	09	25
	71	5A	0	10	50
	71	5B	0	06	70
	72	1A	0	15	15
	72	2B	0	08	95
	72	3A	0	09	90
	75	3B1A	0	09	40
	75	4A1	0	28	80
	76	9	0	24	10
	76	11	0	00	10
	77	4B1	0	00	80
	79	7	0	02	70
	79	10	0	05	50
	148	2	0	00	90
	148	3	0	05	45
	148	4	0	02	65
	148	5	0	03	35
	148	7	0	00	65
	148	8	0	06	65
	148	9	0	14	10
	148	12	0	12	75

1	2	3	4	5	6
1. Jegurupadu(Contd.)	148	15	0	00	45
	163	2A	0	21	05
	163	2B	0	05	80
	163	2C	0	09	65
	165	2B	0	17	35
	165	3A	0	10	05
	165	4A	0	14	60
	165	6A	0	10	50
	167	1	0	14	70
	172	3B	0	06	10
	172	6A	0	17	75
	173	2B	0	25	00
	179	2	0	05	70
Total	71	-	6	34	15
2. Kadiyam	505	1B	0	06	30
	506	-	0	10	40
	507	15	0	14	85
	508	1A	0	07	20
	508	1B	0	16	65
	508	1C	0	00	10
	508	2A	0	06	20
	580	8	0	00	10
	585	-	0	26	15
	590	6	0	02	70
	590	7B	0	00	10
	590	8	0	07	70
	590	9	0	05	00
	596	1	0	13	95
	596	2	0	00	25
	596	3	0	11	55
	596	7	0	05	75
	596	8	0	03	65
	596	9	0	07	45
	600	1	0	00	85
	600	2	0	04	75
	600	3	0	03	05
	651	1A	0	17	85
	651	1B	0	06	80
	651	1C	0	15	60
	651	3A	0	00	10
	651	3B	0	00	85
	651	4	0	00	10
	652	1D	0	02	45
	652	2B	0	17	90
	653	1	0	17	05
	653	2	0	00	10

1	2	3	4	5	6
2. Kadiyam(Contd.)	653	3A	0	00	75
	654	3C	0	09	20
	654	4	0	15	70
	663	1	0	15	70
	682	-	0	06	55
	683	3	0	01	10
	683	4	0	02	45
Total	39	-	2	84	95
3. Vemagiri	231	1	0	13	95
Total	1	-	0	13	95

[No. L-14014/46/02-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 12 मार्च, 2003

का. आ. 875.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि जिला सूरत में हजीरा से जिला भरुच में भरुच-दहेज तक प्राकृतिक गैस के परिवहन के लिए गुजरात राज्य पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथाप्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में एन.एच.नानावती सक्षम प्राधिकारी, गुजरात राज्य पेट्रोलियम कॉर्पोरेशन लिमिटेड, ब्लाक सं. 15 तृतीय तल, उद्योग भवन सेक्टर - II गांधी नगर-30201 को लिखित रूप में आक्षेप भेज सकेगा।

जिल्हा : भरुच			राज्य: गुजरात		
ताबुकी नाम	गांव का नाम	सर्वेक्षण सं/ खंड सं	क्षेत्रफल		
(1)	(2)	(3)	हेक्टर	आरे	सेन्टीआरे
अंकलेश्वर	सजोद	473	00	12	10
	सक्करपोर	401/2	00	01	70
	तरीया	60/4	00	13	40
		89/2/पैकी	00	01	50
	धनतुरीया	11/1	00	06	00
		178	00	09	10
		219	00	01	50
		220	00	11	60
	कसद	34	00	16	00
	गुधण	332/पैकी	00	12	20
भरुच		628	00	02	50
	भाडभुत	339	00	01	20
		340	00	02	80
	दहेज	518	00	06	20
		455/मी	00	04	00
वागता		463	00	02	40
		479	00	04	00
	हिंगलोड	484	00	03	50
		423	00	06	80
	मनुवार	948	00	00	10
		953	00	03	85
		951	00	03	15
		969	00	06	20
		966	00	01	40
		968	00	06	44

[फा. सं. एल.-14014/4/99-जी.पी. (भाग-II)]

स्वामी सिंह, निदेशक

New Delhi, the 12th March, 2003

S.O. 875.—Whereas, it appears to the Central Government that it is necessary in the public interest, that for the transport of natural gas from Hazira in district Surat to Bharuch – Dahej in district Bharuch pipelines should be laid by Gujarat State Petroleum Corporation Ltd.;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user (ROU) in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said schedule may, within twenty-one days from the date of which the copies of this notification issued under sub-section (1) of section (3) of the said Act, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri N. H. Nanavati, Competent Authority, Gujarat State Petroleum Corporation Ltd., Block No. 15, 3rd Floor, Udyog Bhavan, Sector 11, Gandhinagar - 302 011.

Schedule

District : BHARUCH

State: Gujarat

Name of Taluka	Name of Village	Survey No. / Block No.	Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6)
ANKLESHWAR	SAJOD	473	00	12	10
		401/2	00	01	70
	TARIYA	60/4	00	13	40
		89/2/P	00	01	50
	DHANTURIYA	11/1	00	06	00
		178	00	09	10
		219	00	01	50
		220	00	11	60
		34	00	16	00
		332/P	00	12	20
BHARUCH	KASAD	628	00	02	50
		339	00	01	20
	BHADBHUT	340	00	02	80
		518	00	06	20
VAGARA	DAHEJ	455/B	00	04	00
		463	00	02	40
		479	00	04	00
		484	00	03	50
BHARUCH	HINGLOT	423	00	06	80
		948	00	00	10
	MANUBAR	953	00	03	85
		951	00	03	15
		969	00	06	02
		966	00	01	40
		968	00	06	44

[No. L-14014/4/99-G.P.(Pt. II)]
SWAMY SINGH, Director

नई दिल्ली, 12 मार्च, 2003

का. आ. 876.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय द्वारा का. आ. सं. 2953 तारीख 31 अक्टूबर, 2001 की अधिसूचनाओं में जो भारत के राजपत्र के भाग-2, खण्ड-3, उपखण्ड (ii) पृष्ठ 6199 से 6206 तक दिनांक 03 नवम्बर, 2001 में प्रकाशित हुई थी, निम्नलिखित संशोधन करती है, अर्थात् :-

उपरलिखित अधिसूचना के इस अनुसूची में :-

- (अ) पृष्ठ 6200 के गाँव बोरीद्रा के स्तंभ 2 में...
- (i) सर्वेक्षण संख्या "223" जो कि स्तंभ 3 में है उसके स्थान पर सर्वेक्षण संख्या 223/4' स्तंभ 3 हिन्दी भाषा में रखी जाएगी ;
- (ब) राजपत्र के पृष्ठ 6200 के गाँव थाम के स्तंभ 2 में...
- (i) अमलेश्वर शाखा नहर हिन्दी में क्षेत्रफल 00-01-00 स्तंभ 4 से 6 के स्थान पर क्षेत्रफल 01-34-90 रखी जाएगी ;

[का. सं. एल.-14014/4/99-जी.पी. (भाग-IV)]

स्वामी सिंह, निदेशक

नई दिल्ली, 13 मार्च, 2003

का. आ. 877.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2356 तारीख 17 जुलाई 2002, और अधिसूचना सं. का. आ. 2357 तारीख 17 जुलाई 2002 द्वारा जो भारत के राजपत्र में तारीख 20 जुलाई 2002 को प्रकाशित की गई थी, उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन परियोजना के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचनाओं की प्रतियाँ जनता को क्रमशः तारीख 11 सितम्बर 2002 और 27 सितम्बर 2002 को उपलब्ध करा दी गई थी ;

और उक्त पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें निपटा दिया गया है ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लिंगमों से मुक्त गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची

तहसील:- रापर		जिला:- कच्छ		राज्य:- गुजरात	
गाँव का नाम .	सर्वे सँख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	मन्टी आर
1	2	3	4		
(1). गोविन्दपर	72/1	पैकी	00	04	55
	72/1	पैकी	00	03	00
	-	नाला	00	00	23
	ट्रार्वम 98	पैकी	00	17	40
	-	कार्ट ट्रैक	00	00	66
	ट्रार्वम 98	पैकी	00	55	56
	ट्रार्वम 98	पैकी	00	20	49
	83		00	12	95
	ट्रार्वम 98	पैकी	00	62	23
	66/1		00	07	09
	ट्रार्वम 98	पैकी	00	16	50
	-	नाला	00	01	53
	ट्रार्वम 98	पैकी	00	14	96
	-	नाला	00	05	61
	ट्रार्वम 98	पैकी	00	32	50
	85		00	18	74
	ट्रार्वम 98	पैकी	00	59	38
	-	नाला	00	02	90
	ट्रार्वम 98	पैकी	00	43	98
	93		00	00	05
	91		00	52	24
	ट्रार्वम 98	पैकी	00	59	90
	-	कार्ट ट्रैक	00	00	88
	5/1	पैकी	00	52	44
	ट्रार्वम 98	पैकी	00	02	69
	13/2		00	01	77
	14/1		00	00	10
14/2		00	14	74	
12		00	41	22	
-	नाला	00	06	54	
(2). देदरवा	ट्रार्वम 221	पैकी	00	07	46
	-	नदी	00	04	40

तहसील :- राप्ता

जिला :- कच्छ

राज्य :- गुजरात

सर्वे संख्या	भाग यदि है तो	क्षेत्रफल		
		हेक्टर	आर	सेन्टी आर
2	3	4		
(2). वडवा	पैकी	00	17	44
(जारी...)		00	34	10
137		00	03	89
-	नाला	00	01	53
138		00	46	73
139		00	11	94
142/1		00	21	18
142/2		00	03	01
द्रावस 221	पैकी	00	01	94
123		00	11	73
124/3		00	17	89
124/2		00	08	24
124/1		00	19	86
द्रावस 221	पैकी	00	35	10
125		00	13	78
द्रावस 221	पैकी	00	00	58
116		00	60	01
117		00	00	11
118		00	60	82
द्रावस 221	पैकी	00	06	85
106/2		00	21	56
105/2		00	27	13
104		00	12	08
103/2		00	01	77
-	कार्ट ट्रैक	00	06	22
द्रावस 221	पैकी	00	51	85
102		00	01	38
द्रावस 221	पैकी	00	11	06
98		00	70	29
द्रावस 221	पैकी	00	27	92
83/1		00	10	84
83/2		00		

तहसील:- रापर

जिला:- कच्छ

राज्य:- गुजरात

गाँव का नाम	सर्वे सँख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(2). देदरवा (जारी...)	ट्रार्वस 221	पैकी	00	58	06
	80	पैकी	00	20	58
	80	पैकी	00	32	76
	76		00	26	77
	75		00	22	88
	74/1		00	21	52
	74/4		00	05	95
	74/3		00	33	56
(3). सई	ट्रार्वस 892	पैकी	00	04	81
	443/2		00	20	45
	ट्रार्वस 892	पैकी	00	10	29
	437		00	31	71
	438		00	38	06
	435		00	12	71
	439		00	01	53
	432		00	29	55
	431/1		00	23	50
	-	नाला	00	03	88
	466		00	15	65
	-	कार्ट ट्रेक	00	01	01
	353	पैकी	00	19	89
	353	पैकी	00	06	60
	353	पैकी	00	05	98
	355	पैकी	00	10	37
	355	पैकी	00	10	32
	357/2		00	21	93
	356/2		00	24	10

तहसील:- रापर

जिला:- कच्छ

राज्य:- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(3). सई (जारी...)	362/1		00	03	85
	-	कार्ट ट्रैक	00	04	09
	ट्रार्क्स 892	पैकी	00	08	40
	329		00	19	63
	330	पैकी	00	20	18
	338	पैकी	00	18	97
	338	पैकी	00	11	80
	337		00	34	91
	187	पैकी	00	00	35
	187	पैकी	00	20	59
	186	पैकी	00	14	01
	182/1		00	32	21
	181		00	22	93
	179	पैकी	00	48	74
	177/1		00	13	37
	177/2		00	17	17
	176		00	28	43
	165	पैकी	00	12	21
	165	पैकी	00	14	67
	165	पैकी	00	28	47
	124		00	35	46
	123		00	10	24
	121	पैकी	00	24	16
	119/1		00	08	05
	120		00	00	07
	112	पैकी	00	29	04
	112	पैकी	00	24	45
	111	पैकी	00	02	68
	113		00	00	14
	ट्रार्क्स 892	पैकी	00	09	34

तहसील:- रापर		जिला:- कच्छ		राज्य :- गुजरात		
गाँव का नाम	सर्वे संख्या	भाग यदि है तो	क्षेत्रफल			
			हेक्टर	आर	सेन्टी आर	
1	2	3	4			
(4). किडीयानगर	571		00	24	38	
	569/1	पैकी	00	26	97	
	द्वारस 1318	पैकी	00	18	47	
	591/1	पैकी	00	17	65	
	591/6		00	23	32	
	-	कार्ट ट्रैक	00	03	01	
	590/3		00	16	81	
	590/2		00	12	94	
	589/1		00	16	86	
	585		00	44	48	
	586	पैकी	00	04	35	
	583/1		00	18	19	
	583/2		00	19	20	
	द्वारस 1318	पैकी	00	01	11	
	-	नाला	00	03	39	
	द्वारस 1318	पैकी	00	05	50	
	-	कार्ट ट्रैक	00	00	83	
	द्वारस 1318	पैकी	00	07	07	
	701/2		00	15	78	
	701/1		00	16	43	
	685		00	35	76	
	696/2		00	04	73	
	695/1		00	24	41	
	694/1		00	06	73	
	693/2		00	11	19	
	693/1		00	16	15	
	691/1		00	15	61	
691/2		00	14	16		
691/4		00	07	24		

तहसील:- रापर

जिला:- कच्छ

राज्य:- गुजरात

गाँव का नाम	सर्वे सँख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(4). किडीयानगर (जारी...)	ट्रार्वस 1318	पैकी	00	02	14
	-	नाला	00	03	40
	ट्रार्वस 1318	पैकी	00	11	21
	743	पैकी	00	38	23
	-	नाला	00	03	49
	811/1		00	01	04
	ट्रार्वस 1318	पैकी	00	07	77
	-	नाला	00	03	21
	ट्रार्वस 1318	पैकी	00	05	30
	-	नाला	00	01	69
	ट्रार्वस 1318	पैकी	00	28	86
	ट्रार्वस 1318	पैकी	00	25	39
	948	पैकी	00	01	68
	-	नाला	00	06	05
	970	पैकी	00	14	36
	969		00	18	80
	967	पैकी	00	43	55
	967	पैकी	00	13	97
	966		00	35	97
	ट्रार्वस 1318	पैकी	00	28	86
	994		00	20	98
	ट्रार्वस 1318	पैकी	00	07	46
	1215		00	25	45
	1216		00	06	94
	1217		00	21	36
	-	कार्ट ट्रेक	00	00	81
	-	नाला	00	18	36
	-	कार्ट ट्रेक	00	00	82
	1187/1	पैकी	00	07	21
	1187/1	पैकी	00	06	33

तहसील:- रापर		जिला:- कच्छ		राज्य:- गुजरात		
गाँव का नाम	सर्वे सँख्या	भाग यदि है तो	क्षेत्रफल			
			हेक्टर	आर	सेन्टी आर	
1	2	3	4			
(4). किडीयानगर (जारी...)	ट्रार्वस 1318	पैकी	00	13	33	
	1186	पैकी	00	37	09	
	1186	पैकी	00	07	39	
	-	नाला	00	04	96	
	ट्रार्वस 1318	पैकी	00	05	03	
(5). बादलपर	29	पैकी	00	23	20	
	26		00	16	99	
	21/1		00	08	34	
(6). छोटापर	92/4		00	22	93	
	91/3		00	11	29	
	91/2		00	02	12	
(7). वेकरा	71	पैकी	00	37	53	
	ट्रार्वस 129	पैकी	00	08	36	
	-	कार्ट ट्रैक	00	01	72	
	73	पैकी	00	35	54	
	ट्रार्वस 129	पैकी	00	75	35	
	-	कार्ट ट्रैक	00	01	45	
	ट्रार्वस 129	पैकी	00	24	28	
	81		00	50	99	
	82		00	55	85	
(8). लखागढ	119	पैकी	00	33	13	
	ट्रार्वस 432		00	00	10	
	97		00	23	81	
	96		00	34	34	
	94		00	14	79	
	93/1		00	25	91	
	93/2		00	17	71	

तहसील:- रापर

जिला:- कच्छ

राज्य:- गुजरात

गाँव का नाम	सर्वे सँख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(9). भंगेरा - जदुपूर	203		00	30	28
	202/1		00	14	53
	202/2		00	08	59
	-	कार्ट ट्रैक	00	01	80
	212		00	20	36
	214/2		00	05	10
	214/1		00	23	81
	213	पैकी	00	02	08
	215/2		00	10	38
	-	नाला	00	02	29
	225/2		00	12	16
	225/1		00	29	99
	218/4		00	22	74
	219/2		00	22	81
	220	पैकी	00	02	99
	-	कार्ट ट्रैक	00	04	09
	183/1		00	09	53
	182		00	08	61
	181	पैकी	00	10	17
	180		00	17	11
	-	नाला	00	05	16
	169		00	39	24
	ट्रार्वस 241	पैकी	00	01	72
	170/1	पैकी	00	24	88
	171/1		00	18	52
	171/3		00	17	97
	171/4		00	19	72
	ट्रार्वस 241	पैकी	00	52	14
	142	पैकी	00	21	23

तहसील:- रापर

जिला:- कच्छ

राज्य:- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(9). भंगेरा - जदुपूर (जारी...)	142	पैकी	00	19	38
	143/2		00	13	38
	141		00	25	82
	140	पैकी	00	01	70
	139		00	51	21
(10). आदेसर	664		00	39	36
	663		00	13	51
	665/1	पैकी	00	14	50
	665/1	पैकी	00	17	80
	665/1	पैकी	00	17	04
	656	पैकी	00	07	39
	656	पैकी	00	22	18
	651/1		00	34	00
	650		00	27	87
	649		00	21	63
	646		00	18	68
	645/1		00	13	46
	647	पैकी	00	04	44
	645/3		00	26	00
	-	कार्ट ट्रैक	00	02	96
	643	पैकी	00	15	41
	643	पैकी	00	06	01
	642		00	37	60
	-	कार्ट ट्रैक	00	04	41
	641/1	पैकी	00	24	19
	641/1	पैकी	00	24	94
	641/3		00	05	07
	-	कार्ट ट्रैक	00	06	62
	634/2		00	04	44
	634/1		00	22	16
	632	तालाब	00	81	94
	द्वारस 771	पैकी	00	17	01
	-	कार्ट ट्रैक			

तहसील:- रापर

जिला:- कच्छ

राज्य:- गुजरात

गाँव का नाम	सर्वे संख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	मन्टा आर
1	2	3	4		
(10). आदेसर (जारी...)	631		00	09	59
	629/1		00	38	62
	629/4		00	32	14
	629/7		00	04	51

[फा. सं. आर-31015/10/2002-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 13th March, 2003

S. O. 877.—Whereas by notifications of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2356 dated the 17th July 2002 and S.O. 2357 dated the 17th July 2002, published in the Gazette of India dated the 20th July 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to those notifications for the purpose of laying pipeline for transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda crude oil pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notifications were made available to the public on the 11th September 2002 and the 27th September 2002 respectively;;

And whereas, the objections received from the public to the laying of the pipeline have been considered and settled by the competent authority;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in the Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited) free from all encumbrances.

SCHEDULE

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(1). Govindpar	72/1	P	00	04	55
	72/1	P	00	03	00
	-	Nala	00	00	23
	Trowers 98	P	00	17	40
	-	Cart Track	00	00	66
	Trowers 98	P	00	55	56
	Trowers 98	P	00	20	49
	83		00	12	95
	Trowers 98	P	00	62	23
	66/1		00	07	09
	Trowers 98	P	00	16	50
	-	Nala	00	01	53
	Trowers 98	P	00	14	96
	-	Nala	00	05	61
	Trowers 98	P	00	32	50
	85		00	18	74
	Trowers 98	P	00	59	38
	-	Nala	00	02	90
	Trowers 98	P	00	43	98
	93		00	00	05
	91		00	52	24
	Trowers 98	P	00	59	90
	-	Cart Track	00	00	88
	5/1	P	00	52	44
	Trowers 98	P	00	02	69
	13/2		00	01	77
	14/1		00	00	10
	14/2		00	14	74
	12		00	41	22
	-	Nala	00	06	54
(2). Dedarava	Trowers 221	P	00	07	46
	-	River	00	04	40

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(2). Dedarava (Contd.)	Trowers 221	P	00	17	44
	137		00	34	10
	-	Nala	00	03	89
	138		00	01	53
	139		00	46	73
	142/1		00	11	94
	142/2		00	21	18
	Trowers 221	P	00	03	01
	123		00	01	94
	124/3		00	11	73
	124/2		00	17	89
	124/1		00	08	24
	Trowers 221	P	00	19	86
	125		00	35	10
	Trowers 221	P	00	13	78
	116		00	00	58
	117		00	60	01
	118		00	00	11
	Trowers 221	P	00	60	82
	106/2		00	06	85
	105/2		00	21	56
	104		00	27	13
	103/2		00	12	08
	-	Cart Track	00	01	77
	Trowers 221	P	00	06	22
	102		00	51	85
	Trowers 221	P	00	01	38
	98		00	11	06
	Trowers 221	P	00	70	29
	83/1		00	27	92
	83/2		00	10	84

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(2). Dedarava (Contd.)	Trowers 221	P	00	58	06
	80	P	00	20	58
	80	P	00	32	76
	76		00	26	77
	75		00	22	88
	74/1		00	21	52
	74/4		00	05	95
	74/3		00	33	56
(3). Sai	Trowers 892	P	00	04	81
	443/2		00	20	45
	Trowers 892	P	00	10	29
	437		00	31	71
	438		00	38	06
	435		00	12	71
	439		00	01	53
	432		00	29	55
	431/1		00	23	50
	-	Nala	00	03	88
	466		00	15	65
	-	Cart Track	00	01	01
	353	P	00	19	89
	353	P	00	06	60
	353	P	00	05	98
	355	P	00	10	37
	355	P	00	10	32
	357/2		00	21	93
	356/2		00	24	10

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(3). Sai (Contd.)	362/1		00	03	85
	-	Cart Track	00	04	09
	Trowers 892	P	00	08	40
	329		00	19	63
	330	P	00	20	18
	338	P	00	18	97
	338	P	00	11	80
	337		00	34	91
	187	P	00	00	35
	187	P	00	20	59
	186	P	00	14	01
	182/1		00	32	21
	181		00	22	93
	179	P	00	48	74
	177/1		00	13	37
	177/2		00	17	17
	176		00	28	43
	165	P	00	12	21
	165	P	00	14	67
	165	P	00	28	47
	124		00	35	46
	123		00	10	24
	121	P	00	24	16
	119/1		00	08	05
	120		00	00	07
	112	P	00	29	04
	112	P	00	24	45
	111	P	00	02	68
	113		00	00	14
	Trowers 892	P	00	09	34

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(4). Kidiyanagar	571		00	24	38
	569/1	P	00	26	97
	Trowers 1318	P	00	18	47
	591/1	P	00	17	65
	591/6		00	23	32
	-	Cart Track	00	03	01
	590/3		00	16	81
	590/2		00	12	94
	589/1		00	16	86
	585		00	44	48
	586	P	00	04	35
	583/1		00	18	19
	583/2		00	19	20
	Trowers 1318	P	00	01	11
	-	Nala	00	03	39
	Trowers 1318	P	00	05	50
	-	Cart Track	00	00	83
	Trowers 1318	P	00	07	07
	701/2		00	15	78
	701/1		00	16	43
	685		00	35	76
	696/2		00	04	73
	695/1		00	24	41
	694/1		00	06	73
	693/2		00	11	19
	693/1		00	16	15
	691/1		00	15	61
	691/2		00	14	16
	691/4		00	07	24

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(4). Kidiyanagar (Contd.)	Trowers 1318	P	00	02	14
	-	Nala	00	03	40
	Trowers 1318	P	00	11	21
	743	P	00	38	23
	-	Nala	00	03	49
	811/1		00	01	04
	Trowers 1318	P	00	07	77
	-	Nala	00	03	21
	Trowers 1318	P	00	05	30
	-	Nala	00	01	69
	Trowers 1318	P	00	28	86
	Trowers 1318	P	00	25	39
	948	P	00	01	68
	-	Nala	00	06	05
	970	P	00	14	36
	969		00	18	80
	967	P	00	43	55
	967	P	00	13	97
	966		00	35	97
	Trowers 1318	P	00	28	86
	994		00	20	98
	Trowers 1318	P	00	07	46
	1215		00	25	45
	1216		00	06	94
	1217		00	21	36
	-	Cart Track	00	00	81
	-	Nala	00	18	36
	-	Cart Track	00	00	82
	1187/1	P	00	07	21
	1187/1	P	00	06	33

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(4). Kidiyanagar (Contd.)	Trowers 1318	P	00	13	33
	1186	P	00	37	09
	1186	P	00	07	39
	-	Nala	00	04	96
	Trowers 1318	P	00	05	03
(5). Badalpar	29		00	23	20
	26	P	00	16	99
	21/1		00	08	34
(6). Chhotapar	92/4		00	22	93
	91/3		00	11	29
	91/2		00	02	12
(7). Vekara	71	P	00	37	53
	Trowers 129	P	00	08	36
	-	Cart Track	00	01	72
	73	P	00	35	54
	Trowers 129	P	00	75	35
	-	Cart Track	00	01	45
	Trowers 129	P	00	24	28
	81		00	50	99
	82		00	55	85
(8). Lakhagarh	119		00	33	13
	Trowers 432	P	00	00	10
	97		00	23	81
	96		00	34	34
	94		00	14	79
	93/1		00	25	91
	93/2		00	17	71

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(9). Bhangera - Jadupur	203		00	30	28
	202/1		00	14	53
	202/2		00	08	59
	-	Cart Track	00	01	80
	212		00	20	36
	214/2		00	05	10
	214/1		00	23	81
	213	P	00	02	08
	215/2		00	10	38
	-	Nala	00	02	29
	225/2		00	12	16
	225/1		00	29	99
	218/4		00	22	74
	219/2		00	22	81
	220	P	00	02	99
	-	Cart Track	00	04	09
	183/1		00	09	53
	182		00	08	61
	181	P	00	10	17
	180		00	17	11
	-	Nala	00	05	16
	169		00	39	24
	Trowers 241	P	00	01	72
	170/1	P	00	24	88
	171/1		00	18	52
	171/3		00	17	97
	171/4		00	19	72
	Trowers 241	P	00	52	14
	142	P	00	21	23

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(9). Bhangera - Jadupur (Contd...)	142	P	00	19	38
	143/2		00	13	38
	141		00	25	82
	140	P	00	01	70
	139		00	51	21
(10). Adesar	664		00	39	36
	663		00	13	51
	665/1	P	00	14	50
	665/1	P	00	17	80
	665/1	P	00	17	04
	656	P	00	07	39
	656	P	00	22	18
	651/1		00	34	00
	650		00	27	87
	649		00	21	63
	646		00	18	68
	645/1		00	13	46
	647	P	00	04	44
	645/3		00	26	00
	-	Cart Track	00	02	96
	643	P	00	15	41
	643	P	00	06	01
	642		00	37	60
	-	Cart Track	00	04	41
	641/1	P	00	24	19
	641/1	P	00	24	94
	641/3		00	05	07
	-	Cart Track	00	06	62
	634/2		00	04	44
	634/1		00	22	16
	632	Pond	00	81	94
	Trowers 771	P	{	00	17
	-	Cart Track			01

Taluka :- Rapar

District :- Kutch

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(10). Adesar (Contd...)	631		00	09	59
	629/1		00	38	62
	629/4		00	32	14
	629/7		00	04	51

[No. R-31015/10/2002-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 13 मार्च, 2003

का. आ. 878.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं सं. का. आ. 1153 तारीख 03 अप्रैल, 2002, सं. का. आ. 1649 तारीख 10 मई 2002, सं. का. आ. 2291 तारीख 09 जुलाई 2002 जो भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में क्रमशः तारीख 06 अप्रैल, 2002, तारीख 18 मई 2002, तारीख 13 जुलाई 2002 में प्रकाशित की गई थीं, द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिन्डा अपरिष्कृत तेल पाइपलाइन परियोजना के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन (सी.ओ.टी.) से पंजाब राज्य में भटिन्डा तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को क्रमशः तारीख 31 मई 2002, 31 जुलाई 2002 तथा 06 अगस्त 2002 को उपलब्ध करा दी गई थीं ;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर संक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन पर विनिश्चय कर लिया गया है ;

और संक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के संबंध में उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) में निहित होगा ।

अनुसूची

तालुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(1) कुपट	60	पेकी	00	00	27
	61	पेकी	00	01	18
	64	पेकी	00	39	96
	64	पेकी	00	22	23
	—	कार्ट ट्रक	00	01	44
	67/1		00	38	43
	67/2		00	09	35
(2) मालगढ	34	पेकी	00	14	41
	34	पेकी	00	24	21
	34	पेकी कार्ट ट्रक	00	00	98
	34	पेकी कार्ट ट्रक	00	01	10
	35/1	पेकी	00	18	28
	35/1	पेकी	00	04	16
	40		00	17	91
	43/2		00	45	96
	43/1	पेकी	00	13	05
	43/1	पेकी कार्ट ट्रक	00	01	10
	76	पेकी	00	04	70
	74/3		00	22	70
	74/2	पेकी	00	07	60
	75/1		00	20	50
	72/1	पेकी	00	15	39
	72/2	पेकी	00	00	30
	—	कार्ट ट्रक	00	00	80
	71/1+2		00	05	54
	113/4	पेकी	00	21	58
	113/3	पेकी	00	21	47
	113/2	पेकी	00	04	14

संलुका :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिसा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(2) मालगढ (जारी)	113/1	पैकी	00	19	08
	113/4	पैकी कार्ट ट्रक	00	01	10
	113/3	पैकी कार्ट ट्रक	00	01	10
	113/3	पैकी कार्ट ट्रक	00	00	10
	113/2	पैकी कार्ट ट्रक	00	00	18
	115/1	पैकी	00	22	30
	115/2	पैकी	00	12	69
	115/2	पैकी	00	08	28
(3) जोरापुरा	54	पैकी	00	18	82
	54	पैकी	00	15	11
	55		00	17	39
	34/1	पैकी	00	05	85
	59/2		00	08	51
	59/3	पैकी	00	14	88
	59/3	पैकी	00	00	23
	32	पैकी	00	33	84
	32	पैकी	00	16	75
	32	पैकी	00	00	20
	27	पैकी	00	12	35
	27	पैकी	00	13	46
	27	पैकी	00	11	30
	27	पैकी	00	14	35
	25/1		00	02	77
	10	पैकी	00	30	24
	11/1		00	06	87
	4	पैकी	00	17	27
	5/2		00	08	55
	5/1		00	04	56
	—	गामतल	00	04	69
	1	पैकी	00	00	52

तालुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(3) जोरापुरा (जमरी)	152/1		00	03	85
	152/2		00	08	80
	152/3		00	09	35
	152/4		00	11	52
(4) कंसारी	29	पैकी	00	18	81
	31/1	पैकी	00	27	00
	31/1	पैकी	00	33	69
	31/1	पैकी कार्ट ट्रक	0	01	10
	26	पैकी	00	05	97
	32	पैकी	00	31	41
	32	पैकी	00	48	96
	—	कार्ट ट्रक	00	01	70
	60	पैकी	00	37	17
	60	पैकी	00	11	88
	55	पैकी	00	32	20
	52	पैकी	00	23	36
	56	पैकी	00	14	64
	56	पैकी	00	12	48
	57	पैकी	00	12	24
	57	पैकी	00	18	63
	57	पैकी	00	14	38
	57	पैकी कार्ट ट्रक	00	01	10
	45	पैकी	00	24	48
	45	पैकी कार्ट ट्रक	00	01	10
	44	पैकी	00	32	04
	87	पैकी	00	16	26
	85		00	16	53
	86		00	13	25
	84	पैकी	00	32	58
	84	पैकी	00	08	55

तालुका :- डीसा

जिल्हा :- कनाकावा

राज्य :- गुजरात

गोंव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(4) कंसारी	102	पेकी	00	29	74
(जरी)	102	पेकी कर्ट ट्रंक	00	01	10
(5) घेरवाडा	327/2	पेकी	00	20	75
	327/2	पेकी	00	16	99
	327/1	पेकी	00	12	37
	328		00	28	20
	329	पेकी	00	16	50
	330/1		00	16	43
	357/1	प्लोट सँख्या . 19	00	47	14
	357/1	प्लोट सँख्या. 20	00	03	41
	357/1	पेकी प्लोट सँख्या. 23	00	23	86
	357/1	पेकी गौवर	01	27	51
	357/1	पेकी कर्ट ट्रंक	00	01	01
	357/1	पेकी कर्ट ट्रंक	00	01	10
	357/1	पेकी कर्ट ट्रंक	00	01	10
	357/1	पेकी कर्ट ट्रंक	00	01	10
	357/1	पेकी कर्ट ट्रंक	00	01	10
	28/1	पेकी	00	14	49
	28/1	पेकी कर्ट ट्रंक	00	01	10
	26		00	06	43
	27/1	पेकी	00	02	80
	27/2	पेकी	00	27	43
	33/3	पेकी	00	27	89
	33/3	पेकी कर्ट ट्रंक	00	00	80
	40		00	27	90
	41	पेकी	00	25	01
	106	पेकी	00	00	96
	107	पेकी	00	15	89
	107	पेकी	00	19	73

(सिपु रिजरवायर
पुनर्स्थापन द्वारा)

तालुका :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(5) घेरवाडा (जमी)	107	पैकी कार्ट ट्रंक	00	00	61
	108/2	पैकी	00	26	84
	108/1	पैकी	00	10	42
	109	पैकी	00	20	19
	94/1		00	28	85
	94/2		00	32	16
	94/3	पैकी	00	00	44
	94/3	पैकी कार्ट ट्रंक	00	01	10
	93	पैकी	00	12	23
	124	पैकी	00	20	62
	124	पैकी कार्ट ट्रंक	00	00	82
	125		00	24	51
	126	पैकी	00	13	29
	130/1		00	00	04
	130/2		00	34	55
	129	पैकी	00	16	13
	129	पैकी	00	23	15
	—	नाला	00	01	10
(6) भावरवा	—	नाला	00	01	10
	61/2		00	15	65
	60/2		00	19	25
	60/1	पैकी	00	02	83
	60/1	पैकी	00	19	73
	64/2	पैकी	00	13	13

तालुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(6) भाधरवा (जमी)	64/2	पैकी कार्ट ट्रक	00	00	88
	65	पैकी	00	08	27
	67	पैकी	00	30	53
	55	पैकी	00	21	20
	55	पैकी	00	04	11
	55	पैकी कार्ट ट्रक	00	00	55
	54	पैकी	00	00	75
	50 + 53		00	02	34
	49/2	पैकी	00	16	53
	49/1		00	17	11
	48	पैकी	00	37	80
	44/14		00	19	67
(7) बुराल	305/1	पैकी	00	31	84
	305/2	पैकी	00	14	88
	305/2	पैकी	00	09	92
	305/2	पैकी	00	22	40
	305/3		00	22	24
	303		00	07	44
	302/4		00	10	71
	302/2		00	02	97
	301/1		00	46	31
	300	पैकी	00	14	08
	300	पैकी	00	16	16
	299		00	14	08
	226		00	25	02
	241/1	पैकी	00	03	12
	241/2	पैकी	00	28	68

तालुका :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(7) बुराल (जारी)	240		00	17	84
	239		00	11	80
	243/2		00	21	94
	243/1	पैकी	00	13	68
	243/1	पैकी कार्ट ट्रक	00	01	10
	244/13		00	15	24
	244/11		00	03	85
	244/10		00	01	95
	237	पैकी	00	08	29
	237	पैकी कार्ट ट्रक	00	02	10
	236/6		00	16	47
	236/4		00	16	02
	236/3		00	10	80
	236/2		00	09	45
	236/1		00	14	67
	---	कार्ट ट्रक	00	03	10
	249	पैकी	00	18	26
	250/3		00	04	69
	250/2		00	10	57
	250/1		00	23	04
	---	कार्ट ट्रक	00	06	88
	63/1		00	17	76
	62		00	20	04
	61		00	11	97
	59		00	25	99
	60/1		00	09	10
	56/2	पैकी	00	21	41
	56/2	पैकी कार्ट ट्रक	00	01	10

तोलुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(7) बुराल (जारी)	67/1	पैकी	00	17	82
	67/1	पैकी कार्ट ट्रंक	00	01	10
	54	पैकी	00	36	64
	51	पैकी	00	43	64
	51	पैकी कार्ट ट्रंक	00	00	22
	38/4	पैकी	00	25	14
	38/4	पैकी कार्ट ट्रंक	00	01	10
(8) मुडेठा	1204		00	18	84
	1203	पैकी	00	18	95
	1203	पैकी कार्ट ट्रंक	00	00	54
	1202	पैकी कार्ट ट्रंक	00	00	55
	1202	पैकी	00	14	89
	—	कार्ट ट्रंक	00	05	72
	1116		00	06	38
	1199		00	01	19
	1198	पैकी	00	00	76
	1198	पैकी	00	02	77
	1198	पैकी	00	04	72
	1198	पैकी	00	01	23
	1117		00	12	87
	1118		00	10	51
	—	कार्ट ट्रंक	00	02	35
	1162	पैकी	00	42	82
	1162	पैकी कार्ट ट्रंक	00	00	51
	1194	पैकी	00	02	88
	1194	पैकी कार्ट ट्रंक	00	00	45
	1193	पैकी	00	27	88
	1193	पैकी कार्ट ट्रंक	00	01	16
	1189	पैकी	00	15	92
	1188	पैकी	00	13	92

तालुका :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(8) मुडेठा (जारी)	1188	पैकी कर्त ट्रेक	00	02	50
	1185	पैकी	00	15	10
	1185	पैकी	00	24	83
	1185	पैकी कर्त ट्रेक	00	03	72
	1182/1	पैकी	00	18	60
	---	कर्त ट्रेक	00	03	06
	1390		00	28	19
	1392		00	04	12
	1387		00	27	03
	1386	पैकी	00	22	87
	1386	पैकी	00	26	50
	1381	पैकी	00	21	98
	1381	पैकी कर्त ट्रेक	00	01	10
	1380/1	पैकी	00	06	45
	1380/1	पैकी कर्त ट्रेक	00	00	94
	1359	पैकी	00	12	00
	1359	पैकी	00	13	06
	1361	पैकी	00	18	20
	1361	पैकी	00	08	63
	1362/2		00	03	62
	1368/1		00	02	52
	1367/2		00	08	81
	1366		00	24	62
	1365/2		00	00	08
	1370	पैकी	00	09	04
	1370	पैकी	00	18	79
	1370	पैकी कर्त ट्रेक	00	02	68
(9) पालडी	56		00	44	98
	50	पैकी	00	25	36
	49/1		00	17	69
	49/2		00	18	51

तालुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(9) पालडी (जारी)	45/1		00	29	03
	43		00	05	07
	42	पैकी कार्ट ट्रैक	00	00	15
	42	पैकी	00	22	47
	41	पैकी	00	21	32
	40/1		00	23	33
	40/2		00	20	82
	26	पैकी	00	71	85
	26	पैकी कार्ट ट्रैक	00	01	10
	26	पैकी कार्ट ट्रैक	00	01	10
	24/2		00	19	99
	24/1		00	04	64
	23/2	पैकी	00	06	74
	23/1	पैकी	00	13	79
	21/3		00	00	04
	19	पैकी कार्ट ट्रैक	00	00	55
	19	पैकी	00	16	56
	15/4		00	21	78
	15/6	पैकी	00	01	86
	15/5		00	10	94
	15/2	पैकी	00	11	48
	15/2	पैकी कार्ट ट्रैक	00	01	10
(10) रतनपुर (गजनीपुर)	34	पैकी	00	24	94
	33/1	पैकी	00	21	54
	30	पैकी	00	42	34
	29		00	00	23
	31	पैकी	00	42	91
	23	पैकी कार्ट ट्रैक	00	01	10
	23	पैकी	00	15	03
	23	पैकी कार्ट ट्रैक	00	01	10
	17	पैकी	00	62	27

तालुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(10) रतनपुर (गजनीपुर) (जारी)	18/1		00	06	47
	19	पैकी	00	32	35
	19	पैकी कार्ट ट्रैक	00	00	88
(11) नई भीलडी	19	पैकी	00	45	63
	19	पैकी कार्ट ट्रैक	00	00	80
	224/1		00	15	30
	224/2	पैकी	00	17	28
	20/2		00	30	11
	21/1	पैकी	00	22	95
	21/1	पैकी	00	08	88
	21/2		00	16	61
	31/3		00	27	95
	31/2		00	29	60
	31/1		00	03	42
	32/2	पैकी	00	44	57
	37	पैकी	00	44	19
	37	पैकी कार्ट ट्रैक	00	01	10
	38/1	पैकी	00	16	61
	38/2	पैकी	00	31	77
	38/2	पैकी कार्ट ट्रैक	00	00	55
	39/1	पैकी	00	30	84
	39/1	पैकी कार्ट ट्रैक	00	00	55
	40/1	पैकी	00	42	44
	40/1	पैकी कार्ट ट्रैक	00	01	10
(12) पुरानी भीलडी	32/1	पैकी	00	21	59
(13) सोयला	24/1		00	01	92
	24/2		00	21	75
	21/7		00	00	01
	14/3	पैकी	00	07	10
	9/2	पैकी	00	00	82

तोलुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(14) गरनाल मोटी	139		00	28	06
	117	पैकी	00	30	28
	118/1	पैकी	00	19	38
	118/1	पैकी	00	00	83
	119/5	पैकी	00	03	99
	119/3		00	01	59
	119/4		00	01	56
	119/2		00	00	04
	113	पैकी	00	22	38
	108	पैकी	00	12	42
	108	पैकी	00	13	43
	100	पैकी	00	37	23
	100	पैकी	00	01	05
	84/1		00	21	94
	84/2		00	24	98
	78	पैकी	00	09	89
	77	पैकी	00	23	07
	71	पैकी	00	11	90
	72		00	27	05
	69/2		00	11	24
	69/1	पैकी	00	35	18
	68		00	00	02
(15) खेटवा	32/1		00	03	14
	33/1		00	24	70
	33/2	पैकी	00	23	26
	34		00	01	88
	35/1		00	08	24
	35/2	पैकी	00	03	43
(16) सोतंबला	105	पैकी	00	21	40
	105	पैकी	00	18	14
	105	पैकी	00	27	62

तालुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(16) सोतंबला (जारी)	105	पैकी	00	28	56
	107		00	37	20
	118	पैकी	00	27	20
	118	पैकी	00	27	20
	115	पैकी	00	25	92
	115	पैकी	00	36	64
	115	पैकी	00	01	76
	115	पैकी	00	30	72
	114	पैकी कार्ट ट्रैक	00	01	10
	114	पैकी	00	15	60
	6	पैकी	00	12	33
	6	पैकी कार्ट ट्रैक	00	01	10
	7	पैकी	00	13	96
	25		00	18	88
	23/1	पैकी	00	17	12
	36/4		00	12	37
	36/3		00	00	90
	36/2		00	28	62
	36/1		00	10	62
	32	पैकी कार्ट ट्रैक	00	01	10
	32	पैकी	00	02	80
	32	पैकी	00	27	34
	38	पैकी	00	30	06
	31/1	पैकी	00	15	93
	31/1	पैकी	00	16	02
	31/1	पैकी	00	16	87
(17) डेडोल	4	पैकी	00	32	96
	3	पैकी	00	32	97
	34/1/23		00	06	14
	34/1/24		00	15	83
	34/1/19	पैकी	00	15	65

तालुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(17) डेडोल (जारी)	34/1/20		00	12	46
	34/1/15	पैकी कार्ट ट्रैक	00	02	52
	34/1/15	पैकी	00	30	51
	34/1/16		00	12	03
	34/1/18	पैकी	00	34	57
	34/1/17	पैकी	00	10	88
	34/2	पैकी	00	07	41
(18) लोरवाडा	94/1	पैकी	00	08	83
	94/1	पैकी	00	14	45
	94/2		00	37	12
	95	पैकी	00	17	32
	95	पैकी	00	03	32
	95	पैकी कार्ट ट्रैक	00	01	01
	97/1	पैकी	00	11	09
	97/1	पैकी	00	07	84
	97/2	पैकी	00	06	23
	97/2	पैकी	00	23	37
	142/3	पैकी	00	11	54
	142/2		00	04	26
	142/3	पैकी कार्ट ट्रैक	00	01	10
	141	पैकी	00	42	04
	141	पैकी	00	22	14
	129	पैकी	00	17	19
	129	पैकी कार्ट ट्रैक	00	00	95
	130	पैकी	00	24	87
	130	पैकी	00	25	30
	130	पैकी कार्ट ट्रैक	00	01	10
	131		00	08	03
	135/2	पैकी	00	12	15
	134/3		00	19	36
	134/2	पैकी	00	17	69

तालुका :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(18) लोरवाडा (जारी)	134/1		00	10	57
	133	पैकी कार्ट ट्रैक	00	01	10
	133	पैकी	00	06	79
	195		00	42	92
	196	पैकी	00	04	03
	199		00	18	45
	198	पैकी	00	57	49
	215	पैकी	00	26	58
	215	पैकी	00	40	64
	215	पैकी कार्ट ट्रैक	00	01	00
	216		00	26	06
	217	पैकी	00	23	79
	222	पैकी कार्ट ट्रैक	00	01	10
	222	पैकी	00	06	04
	222	पैकी	00	44	32
	221		00	03	18
	225	पैकी	00	07	80
	226		00	24	94
(19) वडावल	169	पैकी	00	25	95
	169	पैकी कार्ट ट्रैक	00	01	10
	171	पैकी	00	33	58
	173	पैकी	00	05	85
	173	पैकी कार्ट ट्रैक	00	00	67
	165/1		00	00	22
	174	पैकी	00	07	89
	174	पैकी	00	13	80
	160	पैकी	00	29	63
	158	पैकी	00	20	59
	156	पैकी	00	15	90
	156	पैकी कार्ट ट्रैक	00	00	80
	154		00	17	00

तालुका :- डीसा

जिला :- बनासकांठ

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(19) वडावल (जारी)	149	पैकी	00	22	42
	150	पैकी	00	15	88
	151	पैकी	00	19	13
	---	कार्ट ट्रैक	00	02	37
	257		00	24	88
	256/1	पैकी	00	50	31
	255	पैकी	00	09	44
	255	पैकी	00	15	61
	255	पैकी	00	11	17
	255	पैकी	00	08	85
	255	पैकी	00	09	49
	255	पैकी	00	11	24
	255	पैकी	00	06	18
	255	पैकी कार्ट ट्रैक	00	01	10
	249	पैकी	00	03	48
(20) समशेरपुरा	91/1	पैकी	00	17	34
	91/1	पैकी कार्ट ट्रैक	00	01	10
	88	पैकी	00	27	86
	88	पैकी	00	17	38
	86	पैकी	00	08	26
	86	पैकी	00	13	03
	86	पैकी	00	25	09
	86	पैकी	00	28	45
	---	कार्ट ट्रैक	00	01	78
	48+49	पैकी	00	35	08
	48+49	पैकी	00	20	77
	50	पैकी	00	44	84
	51	पैकी	00	30	57
	64	पैकी	00	28	05
	52/1	पैकी	00	29	30
	52/1	पैकी	00	26	52

तालुका :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(20) समशेरपुरा (जारी)	52/2		00	01	26
	52/1	पैकी कार्ट ट्रैक	00	00	55
	57	पैकी कार्ट ट्रैक	00	00	55
	57	पैकी	00	15	33
	57	पैकी	00	09	00
	57	पैकी	00	24	04
	58	पैकी	00	24	82
	59		00	31	02
(21) बाइवाडा	229/1	पैकी	00	00	97
	237		00	20	21
	236/1	पैकी	00	22	00
	236/1	पैकी	00	17	90
	235		00	21	07
	244	पैकी	00	17	37
	244	पैकी कार्ट ट्रैक	00	01	10
	242		00	08	79
	245		00	10	92
	265		00	15	07
	263/2	पैकी	00	12	72
	277		00	34	26
	279/2	पैकी	00	31	12
	285/1		00	15	41
	283	पैकी	00	01	45
	284		00	15	12
	296/2	पैकी	00	15	09
	296/1	पैकी	00	32	73
	297/2		00	05	53
	293	पैकी	00	38	35
	293	पैकी	00	02	25
	---	कार्ट ट्रैक	00	02	54
	365	पैकी	00	49	38

तालुका :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(21) बाइवाडा (जारी)	365	पैकी कार्ट ट्रैक	00	01	10
	366		00	33	96
	387/2		00	22	08
	387/1		00	19	20
	389		00	21	47
	390		00	14	04
	391		00	46	10
	391	पैकी कार्ट ट्रैक	00	01	10
	396	पैकी	00	20	92
	395		00	14	20
	425	पैकी	00	02	24
	425	पैकी कार्ट ट्रैक	00	00	55
	423	पैकी कार्ट ट्रैक	00	00	55
	423	पैकी	00	26	54
	424	पैकी	00	31	50
(22) विठोदर	257		00	00	39
	255	पैकी	00	57	51
	255	पैकी	00	14	76
	255	पैकी कार्ट ट्रैक	00	00	50
	252	पैकी कार्ट ट्रैक	00	00	50
	252	पैकी	00	06	80
	253	पैकी	00	18	41
	253	पैकी कार्ट ट्रैक	00	01	10
	236	पैकी	00	00	91
	236	पैकी	00	36	39
	236	पैकी कार्ट ट्रैक	00	01	00
	240	पैकी	00	34	24
	240	पैकी	00	08	10
	240	पैकी कार्ट ट्रैक	00	01	00
	238	पैकी	00	27	42
	238	पैकी कार्ट ट्रैक	00	01	00

त.पु.का :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(22) विठोदर (जारी)	223	पैकी	00	24	54
	223	पैकी	00	11	90
	223	पैकी	00	09	56
	228	पैकी	00	11	09
	228	पैकी कार्ट ट्रैक	00	01	00
	227		00	26	41
	---	कार्ट ट्रैक	00	00	89
	214		00	10	32
	215		00	23	31
	181	पैकी	00	13	09
	305	पैकी	00	22	84
	180	पैकी	00	09	88
	169	पैकी	00	07	59
	169	पैकी	00	39	94
	169	पैकी	00	09	89
	168	पैकी	00	28	69
	168	पैकी	00	06	19
	168	पैकी	00	19	70
	168	पैकी कार्ट ट्रैक	00	01	10
	168	पैकी कार्ट ट्रैक	00	01	10
	166	पैकी	00	40	85
	166	पैकी कार्ट ट्रैक	00	00	55
	144	पैकी कार्ट ट्रैक	00	00	55
	144	पैकी	00	28	99
	144	पैकी	00	17	71
	146	पैकी	00	28	26
	146	पैकी	00	17	07
	147	पैकी	00	33	53
	147	पैकी	00	22	55
	131		00	12	78
	149	पैकी	00	11	73

तालुका :- डीसा

जिला :- बनासकांठा

राज्य :- गुजरात

गाँव का नाम	(खसरा) सर्वेक्षण क्रमांक	हिस्सा क्रमांक	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
(22) दिठोदर (जारी)	149	पैकी	00	27	25
	149	पैकी कार्ट ट्रैक	00	01	05
	125	पैकी	00	10	07
	125	पैकी	00	37	33
	125	पैकी कार्ट ट्रैक	00	00	50
	121	पैकी कार्ट ट्रैक	00	00	50
	121	पैकी	00	17	70
	122	पैकी	00	11	37
	122	पैकी	00	30	99
(23) तालेगढ	21	पैकी	00	19	77
	21	पैकी कार्ट ट्रैक	00	01	00

[फा. सं. आर-31015/49/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 13th March, 2003

S. O. 878.—Whereas by notifications of the Government of India in the Ministry of Petroleum and Natural Gas numbers S.O.1153 dated the 3rd April 2002, S.O. 1649 dated the 10th May 2002 and S.O.2291 dated the 9th July 2002, published in Gazette of India dated the 6th April 2002, dated the 18th May 2002 and dated the 13th July 2002 respectively, in part II, section 3, sub-section (ii) issued under Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to those notifications for the purpose of laying pipeline for transport of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda crude oil pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notifications were made available to the public on the 31st May 2002, the 31st July 2002 and the 06th August 2002 respectively;

And whereas, the objections received from the public to the laying of the pipeline have been considered and decided by the competent authority;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in the Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited) free from all encumbrances.

SCHEDULE

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
1	2	3	4		
(1) KUPAT	60	P	00	00	27
	61	P	00	01	18
	64	P	00	39	96
	64	P	00	22	23
	—	Cart Track	00	01	44
	67/1		00	38	43
	67/2		00	09	35
(2) MALGADH	34	P	00	14	41
	34	P	00	24	21
	34	P Cart Track	00	00	98
	34	P Cart Track	00	01	10
	35/1	P	00	18	28
	35/1	P	00	04	16
	40		00	17	91
	43/2		00	45	96
	43/1	P	00	13	05
	43/1	P Cart Track	00	01	10
	76	P	00	04	70
	74/3		00	22	70
	74/2	P	00	07	60
	75/1		00	20	50
	72/1	P	00	15	39
	72/2	P	00	00	30
	—	Cart Track	00	00	80
	71/1+2		00	05	54
	113/4	P	00	21	58
	113/3	P	00	21	47
	113/2	P	00	04	14

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(2) MALGADH (Contd.)	113/1	P	00	19	08
	113/4	P Cart Track	00	01	10
	113/3	P Cart Track	00	01	10
	113/3	P Cart Track	00	00	10
	113/2	P Cart Track	00	00	18
	115/1	P	00	22	30
	115/2	P	00	12	69
	115/2	P	00	08	28
(3) JORAPURA	54	P	00	18	82
	54	P	00	15	11
	55		00	17	39
	34/1	P	00	05	85
	59/2		00	08	51
	59/3	P	00	14	88
	59/3	P	00	00	23
	32	P	00	33	84
	32	P	00	16	75
	32	P	00	00	20
	27	P	00	12	35
	27	P	00	13	46
	27	P	00	11	30
	27	P	00	14	35
	25/1		00	02	77
	10	P	00	30	24
	11/1		00	06	87
	4	P	00	17	27
	5/2		00	08	55
	5/1		00	04	56
	---	Village Land	00	04	69
	1	P	00	00	52

T. ka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(3) JORAPURA (Contd.)	152/1		00	03	85
	152/2		00	08	80
	152/3		00	09	35
	152/4		00	11	52
(4) KANSARI	29	P	00	18	81
	31/1	P	00	27	00
	31/1	P	00	33	69
	31/1	P Cart Track	0	01	10
	26	P	00	05	97
	32	P	00	31	41
	32	P	00	48	96
	—	Cart Track	00	01	70
	60	P	00	37	17
	60	P	00	11	88
	55	P	00	32	20
	52	P	00	23	36
	56	P	00	14	64
	56	P	00	12	48
	57	P	00	12	24
	57	P	00	18	63
	57	P	00	14	38
	57	P Cart Track	00	01	10
	45	P	00	24	48
	45	P Cart Track	00	01	10
	44	P	00	32	04
	87	P	00	16	26
	85		00	16	53
	86		00	13	25
	84	P	00	32	58
	84	P	00	08	55

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(4) KANSARI (Contd.)	102	P	00	29	74
	102	P Cart Track	00	01	10
(5) THEERWADA	327/2	P	00	20	75
	327/2	P	00	16	99
	327/1	P	00	12	37
	328		00	28	20
	329	P	00	16	50
	330/1		00	16	43
	357/1	Plot No. 19	00	47	14
	357/1	Plot No. 20	00	03	41
	357/1	P Plot No. 23	00	23	86
	357/1	P Gauchar	01	27	51
	357/1	P Cart Track	00	01	01
	357/1	P Cart Track	00	01	10
	357/1	P Cart Track	00	01	10
	357/1	P Cart Track	00	01	10
	357/1	P Cart Track	00	01	10
	28/1	P	00	14	49
	28/1	P Cart Track	00	01	10
	26		00	06	43
	27/1	P	00	02	80
	27/2	P	00	27	43
	33/3	P	00	27	89
	33/3	P Cart Track	00	00	80
	40		00	27	90
	41	P	00	25	01
	106	P	00	00	96
	107	P	00	15	89
	107	P	00	19	73

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(5) THERWADA (Contd.)	107	P Cart Track	00	00	61
	108/2	P	00	26	84
	108/1	P	00	10	42
	109	P	00	20	19
	94/1		00	28	85
	94/2		00	32	16
	94/3	P	00	00	44
	94/3	P Cart Track	00	01	10
	93	P	00	12	23
	124	P	00	20	62
	124	P Cart Track	00	00	82
	125		00	24	51
	126	P	00	13	29
	130/1		00	00	04
	130/2		00	34	55
	129	P	00	16	13
	129	P	00	23	15
	—	Nala	00	01	10
(6) BHACHARVA	—	Nala	00	01	10
	61/2		00	15	65
	60/2		00	19	25
	60/1	P	00	02	83
	60/1	P	00	19	73
	64/2	P	00	13	13

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(6) BHACHARVA (Contd.)	64/2	P Cart Track	00	00	88
	65	P	00	08	27
	67	P	00	30	53
	55	P	00	21	20
	55	P	00	04	11
	55	P Cart Track	00	00	55
	54	P	00	00	75
	50 + 53		00	02	34
	49/2	P	00	16	53
	49/1		00	17	11
	48	P	00	37	80
	44/14		00	19	67
(7) BURAL	305/1	P	00	31	84
	305/2	P	00	14	88
	305/2	P	00	09	92
	305/2	P	00	22	40
	305/3		00	22	24
	303		00	07	44
	302/4		00	10	71
	302/2		00	02	97
	301/1		00	46	31
	300	P	00	14	08
	300	P	00	16	16
	299		00	14	08
	226		00	25	02
	241/1	P	00	03	12
	241/2	P	00	28	68

T ka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(7) BURAL (Contd.)	240		00	17	84
	239		00	11	80
	243/2		00	21	94
	243/1	P	00	13	68
	243/1	P Cart Track	00	01	10
	244/13		00	15	24
	244/11		00	03	85
	244/10		00	01	95
	237	P	00	08	29
	237	P Cart Track	00	02	10
	236/6		00	16	47
	236/4		00	16	02
	236/3		00	10	80
	236/2		00	09	45
	236/1		00	14	67
	---	Cart Track	00	03	10
	249	P	00	18	26
	250/3		00	04	69
	250/2		00	10	57
	250/1		00	23	04
	---	Cart Track	00	06	88
	63/1		00	17	76
	62		00	20	04
	61		00	11	97
	59		00	25	99
	60/1		00	09	10
	56/2	P	00	21	41
	56/2	P Cart Track	00	01	10

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(7) BURAL (Contd.)	67/1	P	00	17	82
	67/1	P Cart Track	00	01	10
	54	P	00	36	64
	51	P	00	43	64
	51	P Cart Track	00	00	22
	38/4	P	00	25	14
	38/4	P Cart Track	00	01	10
(8) MUDETHA	1204		00	18	84
	1203	P	00	18	95
	1203	P Cart Track	00	00	54
	1202	P Cart Track	00	00	55
	1202	P	00	14	89
	—	Cart Track	00	05	72
	1116		00	06	38
	1199		00	01	19
	1198	P	00	00	76
	1198	P	00	02	77
	1198	P	00	04	72
	1198	P	00	01	23
	1117		00	12	87
	1118		00	10	51
	---	Cart Track	00	02	35
	1162	P	00	42	82
	1162	P Cart Track	00	00	51
	1194	P	00	02	88
	1194	P Cart Track	00	00	45
	1193	P	00	27	88
	1193	P Cart Track	00	01	16
	1189	P	00	15	92
	1188	P	00	13	92

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(8) MUDETHA (Contd.)	1188	P Cart Track	00	02	50
	1185	P	00	15	10
	1185	P	00	24	83
	1185	P Cart Track	00	03	72
	1182/1	P	00	18	60
	---	Cart Track	00	03	06
	1390		00	28	19
	1392		00	04	12
	1387		00	27	03
	1386	P	00	22	87
	1386	P	00	26	50
	1381	P	00	21	98
	1381	P Cart Track	00	01	10
	1380/1	P	00	06	45
	1380/1	P Cart Track	00	00	94
	1359	P	00	12	00
	1359	P	00	13	06
	1361	P	00	18	20
	1361	P	00	08	63
	1362/2		00	03	62
	1368/1		00	02	52
	1367/2		00	08	81
	1366		00	24	62
	1365/2		00	00	08
	1370	P	00	09	04
	1370	P	00	18	79
	1370	P Cart Track	00	02	68
(9) PALDI	56		00	44	98
	50	P	00	25	36
	49/1		00	17	69
	49/2		00	18	51

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(9) PALDI (Contd.)	45/1		00	29	03
	43		00	05	07
	42	P Cart Track	00	00	15
	42	P	00	22	47
	41	P	00	21	32
	40/1		00	23	33
	40/2		00	20	82
	26	P	00	71	85
	26	P Cart Track	00	01	10
	26	P Cart Track	00	01	10
	24/2		00	19	99
	24/1		00	04	64
	23/2	P	00	06	74
	23/1	P	00	13	79
	21/3		00	00	04
	19	P Cart Track	00	00	55
	19	P	00	16	56
	15/4		00	21	78
	15/6	P	00	01	86
	15/5		00	10	94
	15/2	P	00	11	48
	15/2	P Cart Track	00	01	10
(10) RAJENDPUR (GAJNER)	34	P	00	24	94
	33/1	P	00	21	54
	30	P	00	42	34
	29		00	00	23
	31	P	00	42	91
	23	P Cart Track	00	01	10
	23	P	00	15	03
	23	P Cart Track	00	01	10
	17	P	00	62	27

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(10) RAṬANPUR (GAJNIPUR) (Contd.)	18/1		00	06	47
	19	P	00	32	35
	19	P Cart Track	00	00	88
(11) NEW BHILDI	19	P	00	45	63
	19	P Cart Track	00	00	80
	224/1		00	15	30
	224/2	P	00	17	28
	20/2		00	30	11
	21/1	P	00	22	95
	21/1	P	00	08	88
	21/2		00	16	61
	31/3		00	27	95
	31/2		00	29	60
	31/1		00	03	42
	32/2	P	00	44	57
	37	P	00	44	19
	37	P Cart Track	00	01	10
	38/1	P	00	16	61
	38/2	P	00	31	77
	38/2	P Cart Track	00	00	55
	39/1	P	00	30	84
	39/1	P Cart Track	00	00	55
	40/1	P	00	42	44
	40/1	P Cart Track	00	01	10
(12) OLD BHILDI	32/1	P	00	21	59
(13) SOYLA	24/1		00	01	92
	24/2		00	21	75
	21/7		00	00	01
	14/3	P	00	07	10
	9/2	P	00	00	82

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(14) GARJAL MOTI	139		00	28	06
	117	P	00	30	28
	118/1	P	00	19	38
	118/1	P Cart Track	00	00	83
	119/5	P	00	03	99
	119/3		00	01	59
	119/4		00	01	56
	119/2		00	00	04
	113	P	00	22	38
	108	P	00	12	42
	108	P	00	13	43
	100	P	00	37	23
	100	P Cart Track	00	01	05
	84/1		00	21	94
	84/2		00	24	98
	78	P	00	09	89
	77	P	00	23	07
	71	P	00	11	90
	72		00	27	05
	69/2		00	11	24
	69/1	P	00	35	18
	68		00	00	02
(15) KHETWA	32/1		00	03	14
	33/1		00	24	70
	33/2	P	00	23	26
	34		00	01	88
	35/1		00	08	24
	35/2	P	00	03	43
(16) SOTAMBLA	105	P	00	21	40
	105	P	00	18	14
	105	P	00	27	62

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(16) SOTAMBLA (Contd.)	105	P	00	28	56
	107		00	37	20
	118	P	00	27	20
	118	P	00	27	20
	115	P	00	25	92
	115	P	00	36	64
	115	P	00	01	76
	115	P	00	30	72
	114	P Cart Track	00	01	10
	114	P	00	15	60
	6	P	00	12	33
	6	P Cart Track	00	01	10
	7	P	00	13	96
	25		00	18	88
	23/1	P	00	17	12
	36/4		00	12	37
	36/3		00	00	90
	36/2		00	28	62
	36/1		00	10	62
	32	P Cart Track	00	01	10
	32	P	00	02	80
	32	P	00	27	34
	38	P	00	30	06
	31/1	P	00	15	93
	31/1	P	00	16	02
	31/1	P	00	16	87
(17) DEDOL	4	P	00	32	96
	3	P	00	32	97
	34/1/23		00	06	14
	34/1/24		00	15	83
	34/1/19	P	00	15	65

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(17) DEDOL (Contd.)	34/1/20		00	12	46
	34/1/15	P Cart Track	00	02	52
	34/1/15	P	00	30	51
	34/1/16		00	12	03
	34/1/18	P	00	34	57
	34/1/17	P	00	10	88
	34/2	P	00	07	41
(18) LORWADA	94/1	P	00	08	83
	94/1	P	00	14	45
	94/2		00	37	12
	95	P	00	17	32
	95	P	00	03	32
	95	P Cart Track	00	01	01
	97/1	P	00	11	09
	97/1	P	00	07	84
	97/2	P	00	06	23
	97/2	P	00	23	37
	142/3	P	00	11	54
	142/2		00	04	26
	142/3	P Cart Track	00	01	10
	141	P	00	42	04
	141	P	00	22	14
	129	P	00	17	19
	129	P Cart Track	00	00	95
	130	P	00	24	87
	130	P	00	25	30
	130	P Cart Track	00	01	10
	131		00	08	03
	135/2	P	00	12	15
	134/3		00	19	36
	134/2	P	00	17	69

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(18) LORWADA (Contd.)	134/1		00	10	57
	133	P Cart Track	00	01	10
	133	P	00	06	79
	195		00	42	92
	196	P	00	04	03
	199		00	18	45
	198	P	00	57	49
	215	P	00	26	58
	215	P	00	40	64
	215	P Cart Track	00	01	00
	216		00	26	06
	217	P	00	23	79
	222	P Cart Track	00	01	10
	222	P	00	06	04
	222	P	00	44	32
	221		00	03	18
	225	P	00	07	80
	226		00	24	94
(19) VADAWAL	169	P	00	25	95
	169	P Cart Track	00	01	10
	171	P	00	33	58
	173	P	00	05	85
	173	P Cart Track	00	00	67
	165/1		00	00	22
	174	P	00	07	89
	174	P	00	13	80
	160	P	00	29	63
	158	P	00	20	59
	156	P	00	15	90
	156	P Cart Track	00	00	80
	154		00	17	00

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(19) VADAWAL (Contd.)	149	P	00	22	42
	150	P	00	15	88
	151	P	00	19	13
	—	Cart Track	00	02	37
	257		00	24	88
	256/1	P	00	50	31
	255	P	00	09	44
	255	P	00	15	61
	255	P	00	11	17
	255	P	00	08	85
	255	P	00	09	49
	255	P	00	11	24
	255	P	00	06	18
	255	P	00	01	10
	249	P	00	03	48
(20) SHAMSHERPURA	91/1	P	00	17	34
	91/1	P	00	01	10
	88	P	00	27	86
	88	P	00	17	38
	86	P	00	08	26
	86	P	00	13	03
	86	P	00	25	09
	86	P	00	28	45
	---	Cart Track	00	01	78
	48+49	P	00	35	08
	48+49	P	00	20	77
	50	P	00	44	84
	51	P	00	30	57
	64	P	00	28	05
	52/1	P	00	29	30
	52/1	P	00	26	52

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(20) SHAMSHERPURA (Contd.)	52/2		00	01	26
	52/1	P Cart Track	00	00	55
	57	P Cart Track	00	00	55
	57	P	00	15	33
	57	P	00	09	00
	57	P	00	24	04
	58	P	00	24	82
	59		00	31	02
(21) BAIWADA	229/1	P	00	00	97
	237		00	20	21
	236/1	P	00	22	00
	236/1	P	00	17	90
	235		00	21	07
	244	P	00	17	37
	244	P Cart Track	00	01	10
	242		00	08	79
	245		00	10	92
	265		00	15	07
	263/2	P	00	12	72
	277		00	34	26
	279/2	P	00	31	12
	285/1		00	15	41
	283	P	00	01	45
	284		00	15	12
	296/2	P	00	15	09
	296/1	P	00	32	73
	297/2		00	05	53
	293	P	00	38	35
	293	P	00	02	25
	---	Cart Track	00	02	54
	365	P	00	49	38

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(21) BAJWADA (Contd.)	365	P Cart Track	00	01	10
	366		00	33	96
	387/2		00	22	08
	387/1		00	19	20
	389		00	21	47
	390		00	14	04
	391		00	46	10
	391	P Cart Track	00	01	10
	396	P	00	20	92
	395		00	14	20
	425	P	00	02	24
	425	P Cart Track	00	00	55
	423	P Cart Track	00	00	55
	423	P	00	26	54
	424	P	00	31	50
(22) VITHODAR	257		00	00	39
	255	P	00	57	51
	255	P	00	14	76
	255	P Cart Track	00	00	50
	252	P Cart Track	00	00	50
	252	P	00	06	80
	253	P	00	18	41
	253	P Cart Track	00	01	10
	236	P	00	00	91
	236	P	00	36	39
	236	P Cart Track	00	01	00
	240	P	00	34	24
	240	P	00	08	10
	240	P Cart Track	00	01	00
	238	P	00	27	42
	238	P Cart Track	00	01	00

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(22) VITHODAR (Contd.)	223	P	00	24	54
	223	P	00	11	90
	223	P	00	09	56
	228	P	00	11	09
	228	P Cart Track	00	01	00
	227		00	26	41
	---	Cart Track	00	00	89
	214		00	10	32
	215		00	23	31
	181	P	00	13	09
	305	P	00	22	84
	180	P	00	09	88
	169	P	00	07	59
	169	P	00	39	94
	169	P	00	09	89
	168	P	00	28	69
	168	P	00	06	19
	168	P	00	19	70
	168	P Cart Track	00	01	10
	168	P Cart Track	00	01	10
	166	P	00	40	85
	166	P Cart Track	00	00	55
	144	P Cart Track	00	00	55
	144	P	00	28	99
	144	P	00	17	71
	146	P	00	28	26
	146	P	00	17	07
	147	P	00	33	53
	147	P	00	22	55
	131		00	12	78
	149	P	00	11	73

Taluka :- Deesa

District :- Banaskantha

State :- Gujarat

Name of Village	Survey No	Part if Any	ROU Area		
			Ha.	Ar.	Sq.mt.
(22) VITHODAR (Contd.)	149	P	00	27	25
	149	P Cart Track	00	01	05
	125	P	00	10	07
	125	P	00	37	33
	125	P Cart Track	00	00	50
	121	P Cart Track	00	00	50
	121	P	00	17	70
	122	P	00	11	37
	122	P	00	30	99
(23) TALEGADH	21	P	00	19	77
	21	P Cart Track	00	01	00

[No. R-31015/49/2001-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 13 मार्च, 2003

का. आ. 879.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का. आ. 3407 तारीख 24 अक्टूबर 2002 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया मथुरा पाइपलाइन प्रणाली प्रयोजना के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त संशोधन अधिसूचना की प्रति जनता को तारीख 9 नवम्बर, 2002 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम के धारा 6 के उपधारा (1) के अधीन सक्षम प्राधिकारी केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : विरमगाम		जिला : अहमदाबाद		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
वालाणा	40	-	0	20	40

[फा. सं. आर-25011/9/2001-ओ.आर-1]

रेनुका कुमार, अवर सचिव

New Delhi, the 13th March, 2003

S.O. 879.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3407 dated the 24.10.2002 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification, for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat & Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project.

And whereas, copy of the said notification was made available to the general public on 09.11.2002;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : VIRAMGAM		District : AHMEDABAD		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
VALANA	40	—	0	20	40

[No. R-25011/9/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 13 मार्च, 2003

का. आ. 880.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का. आ. 3408 तारीख 24 अक्टूबर, 2002 द्वारा उस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया मथुरा पाइपलाइन प्रणाली प्रयोजना के विरमगाम-चाकसू, चाकसू-पानिपत और चाकसू-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानिपत तक राजस्थान राज्य में चाकसू से होकर अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त संशोधन अधिसूचना की प्राति जनता को तारीख १ जून २००२, २००२ को उपलब्ध करा दी गई थी;

और उक्त अधिनियम के धारा ६ के उपधारा (१) के अधीन सक्षम प्राधिकारी केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा ६ की उपधारा (१) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा ६ की उपधारा (४) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : देवगिरा राजपुरा		जिला : अहमदाबाद		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
अछार (अशोकनगर)	98	-	0	05	41

[फा. सं. आर-25011/9/2001-ओ.आर-1]

रेनुका कुमार, अवर सचिव

New Delhi, the 13th March, 2003

S.O. 800—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3408 dated the 24.10.2002 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification, for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat & Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project.

And whereas, copy of the said notification was made available to the general public on 09.11.2002;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said land shall, instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : DETROJ RAMPURA		District : AHMEDABAD		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
AGHAR(ASHOK NAGAR)	98	-	0	05	41

[No. R-25011/9/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 13 मार्च, 2003

का.आ. 881.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की का.आ. 1411 तारीख 19 जून 2001 जो भारत के राजपत्र भाग-2, खण्ड-3, उप-खण्ड (ii) तारीख 23 जून 2001 पृष्ठ 2889 से 2896 तक में प्रकाशित की गई थी, में निम्नवत् संशोधन करती है अर्थात्;

उक्त अधिसूचना में पृष्ठ 2890 ग्राम हंसलपुर (से) शीर्षक के अधीन

- (1) "सर्वे संख्या 29" के स्थान पर "26 + 28 + 29" रखा जाएगा।
- (2) "सर्वे संख्या 865" के स्थान पर "864 + 865" रखा जाएगा।

[फा. सं. आर-25011/9/2001-ओ.आर-1]

रेनुका कुमार, अवर सचिव

New Delhi, the 13th March, 2003

S.O. 881.—In exercise of the powers conferred by the Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby amends the Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1411 date 19th June, 2001 published in the Gazette of India, Part-II, Section 3, Sub-section (ii) at pages 2889 to 2896 on 23rd June, 2001 as follows, namely :-

In the said notification, under heading Village : HANSOLPUR (SE) at Page 2894 :-

- (1) For " Survey No. 29" substitute " 26 + 28+29"
- (2) For "Survey No. 865" substitute "864 + 865".

[No. R-25011/9/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 18 फरवरी, 2003

का. आ. 882.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 87/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2003 को प्राप्त हुआ था।

[सं. एल-12011/3/2001-आई.आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 18th February, 2003

S.O. 882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/2001) of the Central Government Industrial Tribunal-cum-LC Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 27-1-2003.

[No. L-12011/3/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW****PRESENT**

RUDRESH KUMAR, Presiding Officer

I. D. No. 87/2001

Ref. No. L-12011/03/2001/IR(B-II) dated 8-5-2001

Between

The Regional Secretary, Central Bank of India Employees Union, Bareilly, 470 Bhud Bazaria Pattay, Bareilly

And

The Regional Manager, Central Bank of India, 88-B, Civil Lines, Bareilly-243001

AWARD

By order No.L-12011/03/2001/IR(B-II) dated 8-5-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the Regional

Secretary, Central Bank of India Employees Union, Bareilly, 470 Bhud Bazaria Pattay, Bareilly and the Regional Manager, Central Bank of India, 88-B, Civil Lines, Bareilly for adjudication.

The reference under adjudication is as under :

“Whether it is a fact that Akhilesh Kumar was engaged by the Management of Central Bank of India as a Peon on daily wages during the period from 1-1-1994 to 18-1-2000? if so,

“Whether the action of the management in terminating the services of Akhilesh Kumar w.e.f. 19-1-2000 and non regularisation is just, fair and Legal? If not, what relief is entitled to?”

2. The representative union through the Regional Secretary, Central Bank Employees Union, espousing the cause of Akhilesh Kumar raised this industrial dispute claiming relief of being treated as regular Peon in the bank and furthermore, has impugned his termination w.e.f. 19-1-2000. Two distinct references have been made which are being dealt together being as on common facts.

3. It is alleged that Akhilesh Kumar was engaged as temporary Peon w.e.f. 1-1-94. He ever since his appointment worked continuously and discharged duties of a Peon at Extn. Counter, Shyamganj, Bareilly. Initially, he was paid @ Rs. 25/- per day which later, was increased to Rs.60/- per day. In the preceding 12 calendar months from the date of termination, he had worked 240 days and more and so, was entitled to benefit as provided under Section 25-F of the I.D. Act, 1947. The bank did not give any notice before his termination nor paid retrenchment compensation as per law. It is also alleged that bank was involved in unfair labour practices in denying him fair wages. According to workman, the union raised this industrial dispute before ALC(C), Dehradun. On coming to know this fact, the bank, instead of regularising him terminated his services which is void-ab-initio. It is further pleaded that the bank, with a view to conceal facts of appointment, adopted advice to start payments in the name of canteen but later started showing payment in his name. This was also unfair labour practices to deny proof of his continuance in service.

4. The opposite party bank has denied that Akhilesh Kumar was engaged as temporary Peon w.e.f. 1-1-94. It is pleaded that there was no such post in the bank nor there was any appointment as alleged. It is denied that Akhilesh Kumar performed works of Peon as mentioned in the claim statement. In effect, the bank has denied the continuity of services of the workman. There is no specific denial that the workman was not engaged as casual labour but what is denied that he was appointed as temporary employee or continued so.

5. The workman with a view to substantiate his claim filed following documents :

- (i) Copy of Central Bank of India, Extension Counter, Rampur Bagh Bareilly letter dated 2-9-98;
- (ii) Copy of Central Bank of India Central Office circular letter No. Ke.Ka : 90-91-330 dated 4-10-90;
- (iii) Copy of Central Bank of India, Regional Office, Bareilly circular No. PRS : 2000-01 : 1387 dated 17-8-2000;
- (iv) Copy of Asstt. Labour Commissioner (C) Dehradun letter No. D-7(72)/99 dated 26-12-2000;
- (v) Copy of Central Bank of India LIC Extension counter Bareilly letters addressed to M/s. Mahalaxmi Stationery Mart Bareilly (No.10);
- (vi) Copy of Central Bank of India, LIC Extension counter Bareilly letter dated 2-1-97 addressed to Shyamganj Bareilly Branch;
- (vii) Copy of Central Bank of India Extension Counter Bareilly letter dated 5-2-97 addressed to Nagar Nigam, Extension counter;
- (viii) Copy of 5 letters from Central Bank of India LIC Extension counter addressed to Regional Office, Bareilly;
- (ix) Copy of Central Bank of India LIC Extension counter dated 15-2-99;
- (x) Copy of Central Bank of India LIC Extension counter letter dated 10-6-98;
- (xi) Copy of voucher received register of LIC Extension counter Bareilly of Central Bank of India (Nos.18);
- (xii) Statement showing details of dates when the workman Akhilesh Kumar accompanied the cash remittance.

6. These documents have been filed with a view to prove his association with the bank, discharge of duties of a Peon and furthermore, policy of the bank to regularise services of temporary employees. The management on the other hand had filed some payment vouchers showing payment to Akhilesh Kumar for bringing water etc. As a oral evidence the management relied on the statement of the Aditya Kumar, Sr. Manager of Shyamganj branch and the workman filed his own affidavit.

7. As regards reference No. 1, there is no material to indicate that the Central Bank of India selected and appointed Akhilesh Kumar as Peon during the period 1-1-94 to 18-1-2000. No evidence is available to prove that a post of Peon was sanctioned there viz; Extension counter, Shyamganj branch, Bareilly where the workman, allegedly,

had rendered services. The bank has its own rules and procedures to select and appoint Peons. Nothing is shown that the name of the workman was sponsored by the Employment Exchange nor that he was selected by established procedure. In the said situation, merely on the strength of working as daily wagger one can not be treated to be selected as Peon or so retained. The claim of the workman is not proved that he was engaged by the Central Bank of India as a Peon. This part of reference is adjudicated against the workman.

8. Coming to the reference No. 2 which impugnes termination of the services of the workman, the receipts filed by the management prove that he was associated with the bank and paid @ Rs. 60/- per day in between 1998-99. The affidavit of management's witness does not mention that the bank had filed all payment vouchers showing payments to the workman. No doubt, the burden to prove continuous work from 1-1-94 till date of termination lies on the workman, but the workman is not supposed to have access to the management's documents. The bank has not pleaded affirmatively that some one else and not the workman was engaged during the said period. The allegations in the statement of claim have not been denied by producing vouchers in other names, if available. There is no evidence to indicate that work was not available at extension counter or work was taken from some one else. In fact, the management witness Aditya Kumar was not posted at the extension counter during the aforesaid period. The management could have examined the then branch manager who alone could have countered allegation of the workman that who worked during the period of 1-1-94 till the date of termination.

9. The workman has relied on several documents which include internal correspondences between officers of the bank. By letter dated 2-9-98 the incharge of the Shyamganj branch had requested HRD department of the bank showing heavy works and such works being taken from daily wage employees. Likewise, the Manager (Personnel) by letter dated 17-8-2000 directed all branches of Bareilly to provide information about daily wage workers which proves that practice of taking services of daily wagers was prevalent in interest of work. This letters desired particulars of those who have worked for 240 days and more. Furthermore, the workman has filed a number of documents showing that he was deputed to bring stationary etc. during the relevant period. All these letters/bills mention name of the workman or bear his signature.

10. Thus, the oral evidence of the workman corroborated by the documentary evidence prove conclusively that the workman remained associated with the bank continuously from 1-1-94 till date of his termination, particularly, the management of bank failed to produce such witness who were working there and also not showing that other person than the workman had rendered services. He had worked for more than 240 days

to bring his case within the definition of 'continuous service' under Section 25-B of the I.D. Act, 1947. The bank has not disputed allegation of having issued notice before oral termination or having paid retrenchment compensation and so, the termination of services of the workman w.e.f. 19-1-2000 is *void-ab-initio*, being in breach of Section 25-F of the said Act.

11. It is adjudicated, thus, that the termination of the workman is *void-ab-initio* and he is entitled to continuity as daily wage employee with full back wages.

12. Award as above.

Lucknow 22-1-2003.

RUDRESH KUMAR,
Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 883.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 88/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-03 को प्राप्त हुआ था।

[सं. एल-12011/4/2001-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 88/2001) of the Central Government Industrial Tribunal-cum-LC, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 6-2-03.

[No. L-12011/4/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, LUCKNOW

PRESENT : Rudresh Kumar, Presiding
Officer

I.D. No. 88/2001

Ref. No. L-12011/04/2001/IR(B-II) dated 8-5-2001

Between

The Regional Secretary, Central Bank of India
Employees Union, 470, Bhud Bazaria Pattay,
Bareilly-243001

And

The Regional Manager, Central Bank of India
88-B, Civil Lines, Bareilly-243001

AWARD

By order No. L-12011/04/2001/IR(B-II) dated 8-5-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the Regional Secretary, Central Bank of India Employees Union, 470, Bhud Bazaria Pattay, Bareilly (espousing cause of Vikram Singh) and the Regional Manager, Central Bank of India, 88-B, Civil Lines, Bareilly for adjudication.

The reference under adjudication is as under :

"Whether it is a fact that Vikram Singh was engaged by the Management of Central Bank of India as a Peon on daily wages during the period from 1-10-96 to 18-1-2000? if so,

"Whether the action of the management in terminating the services of Vikram Singh w.e.f. 19-1-2000 and non regularisation is just, fair and Legal? If not, what relief is entitled to?"

2. The workman, Vikram Singh, VIII passed, is alleged to have been appointed by the officer incharge of the Nagar Nigam Extn. counter of Central Bank of India at Bareilly. He was employed on 1-10-96 and used to discharge duties of a temporary peon till his services were terminated w.e.f. 19-1-2000. Initially, he was paid @ Rs. 25 per day which was raised, from time to time, and lastly at the time of his termination being Rs. 50/- per day. He was denied payments on intervening Sundays and holidays. These payments were much less than the salary of a peon and thereby bank indulged in unfair labour practices as defined under Section 2(ra) of the I.D. Act. 1947. As per circular of the bank dated 4-10-90, the bank was required to pay for intervening Sundays and holidays but the concerned branch denied his wages against the said circular. He represented to the Zonal Manager, Agra, for regularisation of his services and payment of prescribed wages, in vain. He raised a industrial dispute before the ALC(C) Dehradun. During the pendency of the case the bank, instead of regularising his services, terminated him in the afternoon of 18-1-2000. He continuously worked from 1-10-96 to 18-1-2000 i.e. 240 and more in each year including in the preceding 12 calendar months before termination but the bank in violation of section 25-F of the I.D. Act, neither issue notice nor paid retrenchment compensation. Reinstatement together with back wages is claimed in this industrial dispute.

3. The management has contested the claim denying appointment of Vikram Singh as peon in the bank or any of its branches. It is also denied that he was discharging duties of a peon. According to management, he was

running a canteen. There was no master and servant relationship. It is admitted, however, that the services of the workman were utilised as and when necessary, for little works during the period of 1996-2000 and he was paid for works done by him. In any event, he did not work for more than 240 days or more in the preceding 12 calendar months and thus, was not in 'continuous service' as defined under section 25-B of the I.D. Act. As such, he was not entitled to benefit of Section 25-F of the said Act.

4. There is not sufficient evidence to prove appointment of the workman as peon. No materials to prove appointment on the post of peon is available. The workman has admitted that his name was not sponsored by the Employment Exchange nor he underwent process of selection. It is, thus, clear that he was not appointed/engaged against any existing post of, a peon. He worked as daily wage worker. By virtue of long period of works, he cannot claim to be a peon and thus, this part of the reference to treat him peon of the bank, is not justified. The reference is answered against the workman that Vikram Singh was appointed as peon in the bank.

5. Coming to the next question, whether Vikram Singh was working as daily wage worker with the bank at its Nagar Nigam Extn. counter or he was running canteen? The management has not placed any record to show running of a canteen in the bank's premises, and also that the workman was owner/servant of the said canteen. The management has filed 48 vouchers showing payment to the workman, Vikram Singh. The contents of these vouchers specify works done by him which are 'bringing and providing water to the customers' and other related work. The management witness had admitted that the rate of payment suggests full day working. This statement gives inference that the workman was a daily wage worker. There is no evidence that he was a canteen runner. In fact, the bank has not produced the then branch manager, with whom Vikram Singh had worked. The management witness was not posted at Bareilly city during the relevant period. His testimony can not be given much weight in face of the fact, that the best available evidence is not produced by the management. The workman has stated on oath to have worked continuously on daily wage @ Rs. 25 and finally increased to Rs. 50 per day. This statement proves association of the workman with the bank and his continuous working on daily basis. There is no evidence that some one else and not the workman had worked during the said period. Once the association and working on daily wage basis are proved, in face of the fact that the workman was not running canteen, the onus is on the management to show that the workman did not work continuously. If some one else worked, he must have received payments and the bank could prove this fact by producing its record. The plea of the bank stands falsified as none of the vouchers mentions payments for articles or to canteen runner. Thus, on the strength of facts and circumstances,

it is fully proved that the workman continuously worked as stated in the statement of claims as daily wage worker. The management did not issue any notice before his termination nor paid retrenchment compensation.

6. Thus, the termination is *void-ab-initio* and the workman is entitled to back wages.

7. Award as above.

Lucknow 23-1-2003.

RUDRESH KUMAR,
Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 884.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ब्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/43/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12011/7/2001-आई. आर. (बी. II)]

सी गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 884. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/43/2001) of the Central Government Industrial Tribunal-cum-LC No. 2, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 6-2-03.

[No. L-12011/7/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT :

S. N. Saundankar, Presiding Officer

Reference No. CGIT-2/43 of 2001

Employers in relation to the Management of
Punjab National Bank

The Regional Manager,
PNB, Regional Office,
16, M. G. Road,
PUNE (Maharashtra) 411 001

And

Their Workmen

The General Secretary
Punjab National Bank Empls. Union
PNB Houses, Sir P.M. Road,
Mumbai 400 001.

APPEARANCES :

For the Employer : Mrs. Sumangala
Kumar
Representative.
For the Workmen : Mr. A. V. Prabhu
Representative.

Mumbai, Dated 14th January, 2003

AWARD

The Government of India Ministry of Labour by its Order No. L-12011/7/2001/IR(B-II) dated 28-3-2001 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab National Bank, Regional Office, Pune in not regularising the services of Shri Kashinath Nimse as Peon-cum-Daftary w.e.f. 30-12-1994 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. In pursuance of the notice workman Nimse filed Statement of Claim (Exhibit-6) which has been resisted by the management Punjab National Bank vide Written Statement (Exhibit-8). When the matter was fixed for hearing both the parties filed joint Settlement today, mentioning therein that in view of full and final settlement, the reference be disposed of as the dispute settled vide (Exhibit-20). Since the dispute settled reference deserves to be disposed of and hence the order :—

ORDER

Reference stands disposed of vide purshis (Exhibit-20).

S. N. SAUNDANKAR, Presiding Officer
BEFORE HON'BLE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL MUMBAI
In the Matter of I.D. No. 2/43 of 2001

BETWEEN

K. S. Nimse

AND

Punjab National Bank
Through Regional Office, Pune

Joint Application by both the Parties for Passing of a
Consent Award in the aforesaid matter.

Most respectfully, it is submitted as under :—

1. That the aforesaid dispute has been referred for adjudication to this Hon'ble Tribunal by the Appropriate Government vide order dated 28-3-2001 with the following terms of reference:
"Whether the action of the management of Punjab National Bank, Regional Office, Pune is not regularizing the services of Shri Kashinath Nimse as Peon-cum-Daftary w.e.f.

30-12-1994 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. That in the aforesaid matter 14-01-2003 is fixed for arguments on the application moved by the bank objecting to the appearance of an advocate on behalf of Shri Nimse before this Hon'ble Tribunal.
3. That both the parties have discussed the matter and it has been decided by both the parties that a prayer be made before this Hon'ble Tribunal by way of a joint application to pass a consent award on the following terms :—
 - (a) That immediately after passing of an award by this Hon'ble Tribunal, Shri Nimse would be designated as peon in the subordinate cadre of the bank at initial of the pay scale of the subordinate cadre and would be posted as such at BO : Jehur in Pune region;
 - (b) That Shri Nimse, the workman concerned, would not be entitled to any benefit monetary or otherwise for the intervening period; and
 - (c) That the aforesaid designation of the workman concerned as peon immediately upon passing of an award by the Tribunal would be in full and final settlement of all the claims of workman concerned arising out of the industrial dispute raised by PNBEU on his behalf and this would not be cited as a precedent.

PRAYER

In view of the aforesaid, both the parties humbly pray to this Hon'ble Tribunal that a consent award on the aforesaid terms may kindly be made by this Hon'ble Tribunal in the present industrial dispute pending before the Tribunal.

Prayed accordingly.

K. S. NIMSE For & on Behalf of
Workman Concerned Punjab National Bank

AUTHORISED REPRESENTATIVE
Regional Manager

WITNESS

- | | |
|---|--|
| 1. ANIL V. PRABHU
GEN. SECRETARY
PNBEU (MUMBAI) | 1.Sd/- Illegible
.....
.....
..... |
| 2. ANIL D. AGWEKAR
DY. GEN. SECRETARY | 2.
..... |
| 3. R. P. ANAVKAR
VICE PRESIDENT | |

नई दिल्ली, 18 फरवरी, 2003

का. आ. 885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 62/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 प्राप्त हुआ था।

[सं. एल-12011/16/2001-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 62/2001) of the Central Government Industrial Tribunal-cum-Labour Court Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12011/16/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT

Rudresh Kumar, Presiding Officer

I. D. No : 62/2001

Ref. No. L-12011/16/2001/IR(B-II) dated 28-3-2001

BETWEEN

The Secretary, Allahabad Bank Staff Association, C/o Allahabad Bank, Main Branch, Hazratganj, Lucknow, (U.P.)-226001

(espousing cause of Rajendra Kumar)

AND

The Regional Manager, Allahabad Bank, Regional Office, Hazratganj, Lucknow (U.P.)-226001

AWARD

By order No. L-12011/16/2001-IR (B-II) dated : 28-3-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between The Secretary, Allahabad Bank Staff Association, C/o Allahabad Bank, Main Branch, Hazratganj, Lucknow (U.P.)-226001 (espousing cause of Rajendra Kumar) and the Regional Manager, Allahabad bank, Regional Office, Hazratganj, Lucknow (U.P.)-226001 for adjudication.

The reference under adjudication is as under :

“Whether the action of the Management of Allahabad Bank, Regional Office, Lucknow in not Promoting to their workman Shri Rajendra Kumar, Peon-

Cum-Farash at Aishbagh, Branch to Clerical cadre in terms of Settlement Dated 12-12-91 w.e.f. 19-4-1993 was Legal and Justified? If not, What relief the Workman is entitled with Details?”

2. Briefly put; the workman, Rajendra Kumar was appointed as ‘Peon-cum-Farrash’ in Allahabad Bank (here-in-after referred to as Bank) w.e.f. 15-12-82; that the workman was very active member of the Allahabad Bank Staff Association, affiliated to U.P. Bank Employees’ Union at State level; that his actual date of appointment was 13-11-82 but in the bank records wrongly shown 15-12-82 which was challenged before the CGIT, Kanpur and was rectified under the said order. However, this award is under challenge before the High Court and is still subjudice. According to the workman a settlement dated 12-12-91 was arrived at between the management of the bank and All India Allahabad Bank Employees’ Co-ordination Committee under Section 2(p) and Section 18(i) of the Industrial Disputes Act, 1947 read with Rule 58 of the Industrial Disputes (Central) rules 1957 over various issues including promotion to the post of Clerk-cum-Cashier and Clerk-cum-Typist without test. The eligibility qualification for promotion without test was 3 years service in the bank taken from the date of appointment on promotion and High School with 50% marks. For promotion from sub-ordinate cadre to Clerk-cum-Typist without test, in addition to the minimum educational qualification as above the employee concerned should possess a minimum typing speed of 30 words per minute in English typing and/or 25 words per minute in Hindi typing respectively.

3. The workman submitted an application to the Regional Manager, Allahabad Bank, Hazratganj, Lucknow on 23-3-93. This application mentions that in pursuance to Circular No. 2815 dated 20-12-91, he became eligible for promotion to the post of Clerk-cum-Cashier/Clerk-cum-Typist as he passed High School Examination with 58% marks and so he became eligible for consideration without any test. This application appears to have been received in the office on 23-4-93 as is evident from the endorsement on the application (photocopy filed by the workman). A photocopy of letter Allahabad Bank issued from the office of the Assistant General Manager dated 19-4-93 to the Regional Manager, Lucknow is filed, which required information about vacancies, and other informations after verification of qualifications etc. In short, the case of the workman, is that he passed High School Examination in the year 1987 securing 58% marks, was educationally qualified to be considered for the post in clerical cadre without test. He made his application in pursuance to Circular No. 2815 dated 20-12-91, which was issued to implement settlement dated 12-12-91. His grievance is that Bank did not consider his appointment in clerical cadre and so he raised dispute challenging the action of the Bank seeking appointment in clerical cadre of Allahabad Bank.

4. The Bank has not challenged service status of the workman that he was in the bank in subordinate staff cadre and passed High School Examination as said. Their case is that the workman did not make application seeking promotion in clerical cadre. In respect to Circular No. 3510 dated 21-9-93 issued from Head Office. This circular invited applications from eligible subordinate staff members on prescribed proforma to be considered for promotion in clerical cadre. According to the bank, the settlement was reached on 22-4-89 and not on 12-12-91. However, certain amendments were proposed by the settlement dated 12-12-91. To give effect to this amendment, region-wise vacancies were being collected to be notified. Also proceedings were being finalized to invite applications and to establish procedure for scrutiny, particularly, to ensure promotions with due regard to seniority. It is admitted that an application was made and it was being processed. However, all the vacancies upto 31-3-93 were identified and reserved for inviting applications and the application of the workman could not be processed further. By Circular No. 3510 dated 21-9-93 the applications were invited on prescribed proforma but the workman did not apply, and so his claim for promotion could not be considered. The management contests that any stray application not in accordance with procedure and lacking in particulars could not have created vested right of promotion. It was obligatory for the workman to have applied on prescribed proforma in pursuance to the Circular No. 3510 dated 21-9-93 for appropriate consideration. By not having filed application as above he cannot claim promotion.

5. The workman has passed High School in the year 1987. Amended circular was issued on 20-12-91 to give effect to settlement dated 12-12-91. The workman did not apply from 20-12-91 to 23-3-93, despite full knowledge of his eligibility. It appears that he was aware that vacancies upto 31-3-93 are being reserved for promotion as per seniority and this prompted him to submit the application on 23-3-93. This application does not specify post of the clerical cadre against which he desired promotion. He also sought promotion against posts nearby Lucknow, without specifying the vacancies whether existed any. The management categorically stated in evidence that posts upto 31-3-93 were reserved for inviting applications. It is also clarified by the Sr. Manager appearing as witness that by processing application without set procedures, sometimes the seniority became casualty and that is why the management was finalizing scheme to give effect to amendment dated 12-12-91 and ultimately, issued circular receiving vacancies upto 31-3-93. The workman's application was sent to the regional manager for verification for qualification and vacancies etc. and yet was not at the stage of processing by the Head Office. In view of administrative decision to issue circular and inviting application on prescribed proforma, the

management, rightly did not take action. This incomplete application rightly did not invitation. This incomplete application did not create any vested right in favour of the workman. Nothing is on record to show that he was senior to be considered. The workman was provided opportunity to seek promotion by making application on prescribed proforma by Circular No. 3510 dated 21-3-93, but he did not avail this opportunity. He admitted this fact in his cross-examination.

6. In public services, appointments, promotions are regulated by rules and regulations supplemented by administrative orders. Nothing is shown that Bank committed breach of any rules/regulations or any administrative orders. In absence of rules and regulations, a practice to entertain application may have existed but such practices have no effect of creating any right. The management's witness has stated about difficulties in such practices only to be replaced by circular on 21-9-93.

7. In light of the discussions made above the action of the bank was justified in not considering application of the workman dated 23-3-93. The reference is adjudicated against the workman. He is not entitled to any relief.

8. Award as above.

Lucknow

31-1-2003

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 886.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 102/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-03 को प्राप्त हुआ था।

[सं. एल-12011/31/2002-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 102/2002) of the Central Government Industrial Tribunal-cum-LC Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 27-1-2003.

[No. L-12011/31/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW****PRESENT****Rudresh Kumar, Presiding Officer****I. D. No. 102/2002**

Ref, No. L-12011/31/2002/IR(B-II) dated 20-5-2002

BETWEEN

The General Secretary,

Uttar Pradesh Bank of Baroda Employees Union (WZ),
Bank of Baroda, 188, Abulane, Meerut (U.P.)-250001
(espousing cause of Raj Kumar Suman)**AND**The Regional Manager, Bank of Baroda, Regional Office,
Anand Ashram Road, Bareilly (U.P.)-243001**AWARD**

By order No. L-12011/31/2002-IR (B-II) dated : 20-5-2002, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, Uttar Pradesh Bank of Baroda Employees Union (WZ), Bank of Baroda, 188, Abu Lane, Meerut (U.P.)-250001 (espousing cause of Raj Kumar Suman) and the Regional Manager, Bank of Baroda, Regional Office, Anand Ashram Road, Bareilly (U.P.)-243001 for adjudication.

The reference under adjudication is as under :

“Whether the action of the management of Bank of Baroda in not considering Shri Raj Kumar Suman, Sr. Clerk for the selection of Special Assistant post is just, fair and legal? if not, what relief he is entitled to?”

2. During the course of the adjudicatory proceeding, the representative viz. Bank of Baroda Employees Union and the Bank of Baroda, Regional Office, Bareilly arrived at settlement whereby Mr. A. K. Jain, General Secretary of the said union informed this Tribunal by his letter dated 16-12-2002 to close the case as the dispute stood resolved. Mrs. Neeta Mathur, the authorised representative of the management also requested by application dated 31-12-2002 to close the case by passing a ‘No Claim Award’. The authorised representative of both the parties verified the letter dated 16-12-2002 submitted by Mr. A. K. Jain.

3. In view of the settlement between the parties the dispute for selection of Special Assistant post stand resolved. Accordingly, No Claim Award is passed and the case is closed.

Lucknow

21-1-2003

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली के पंचाट (संदर्भ संख्या 46/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-03 प्राप्त हुआ था।

[सं. एल-12011/57/2002-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/2002) of the Central Government Industrial Tribunal-cum-Labour Court New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 30-1-2003.

[No. L-12011/57/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL: NEW DELHI**

Presiding Officer, Shri Badri Niwas Pandey

I. D. No : 46/2002

Shri Ravinder Pal,
Through the General Secretary,
Bank of Baroda Employees Association,
2nd Floor, H-72, Con. Circus,
New Delhi-110001.

.....Workman

Versus

The General Manager (D.C.R.-II)
Bank of Baroda,
Regional Office
16, Parliament Street,
New Delhi-110001.

.....Management

AWARD

The Central Government in the Ministry of Labour vide its order No. L-12011/57/2002-IR(B-II) dated 2-07-2002 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the Assistant General Manager (D.C.P.-II), Bank of Baroda, Regional Office, Delhi City (South West), 1st Floor, Bank of Baroda Building, 16, Parliament Street, New Delhi-110001 in

imposing on Shri Ravinder Pal, Cash Clerk Ec. No. 48827 at Nehru Place Branch of Bank of Baroda a punishment on 31-3-2000 of reduction of stage equal to one increment from the present time scale alongwith withdrawal of special allowance for ALMPO on permanent basis is reasonable, valid, legal and justified? If not, what relief and benefits the workman is entitled to?"

2. The reference was received and registered on 17-7-2002 and fixed for filing of claim on 27-9-2002. On 27-9-2002 Shri T.C. Gupta A/R for the management appeared and none for workman appeared and case was adjourned to 19-12-2002 for filing of claim. On 19-12-2002 none appeared and again case was fixed for filing of claim on 23-1-2003. Today none on either side is present. Statement of claim not filed despite sufficient opportunity. Hence no dispute award is passed in this reference. Award is given accordingly.

Dated : 23-1-03

B. N. PANDEY, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 888.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 92/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2003 प्राप्त हुआ था।

[सं. एल-12011/159/2000-आई. आर. (बी-II)]

सी. गंगाधरण, अव्वर सचिव

New Delhi, the 18th February, 2003

S. O. 888.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 92/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 27-1-2003.

[No. L-12011/159/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

Rudresh Kumar, Presiding Officer

I. D. No : 92/2000

Ref. No. L-12011/159/2000/IR(B-II) dt. 11-9-2000

BETWEEN

U.P. Bank Employees Federation, Camp Office, C-II Office,
Local Bus Stand, Dehradun

AND

The Regional Manager, Oriental Bank of Commerce, Branch
Ghantaghar, 53 Gandhi Road, Dehradun-248001

AWARD

By Order No. L-12011/159/2000/IR(B-II) dated 11-9-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between U.P. Bank Employees Federation, Camp Office, C-II Office, Local Bus Stand, Dehradun (espousing cause of Rajesh Tomer) and the Regional Manager, Oriental Bank of Commerce, Branch Ghantaghar, 53 Gandhi Road, Dehradun for adjudication.

The reference under adjudication is as under :

"Whether the action of the management of Oriental Bank of Commerce, Dehradun in not giving compassionate appointment to Rajesh Tomer S/o Sh. Digamber Singh Tomer on demise of Sh. Digamber Singh Tomer is legal and justified? If not, to what relief the concerned workman is entitled to?"

2. In brief: the case of the workman, Rajesh Tomer, is that his father D.S. Tomer was a Clerk-cum-Cashier in Oriental Bank of Commerce at Raipur branch of Dehradun. He was appointed on 17-4-1961 and after having worked for about 21 years, died during service period on 8-2-82. The workman at the time of death of his father was only 6 years old. His mother being not educated could not get compassionate appointment. Her mother was assured that on maturity, any of her sons will be given compassionate appointment. The workman passed Intermediate examination in the year 1994 and since 1995 he is making representations to get compassionate appointment in the bank but in vain. Thus, the action of the management in not giving compassionate appointment has been impugned in this industrial dispute.

3. The management of the bank challenged locus standi of the U.P. Bank Employees Federation to raise this industrial dispute. On merit also, the claim of the workmen is contested stating that late D.S. Tomer was a employee of the bank who died in service. The bank was shocked on his untimely demise but no assurance was given to the widow of the deceased to get her sons appointed on compassionate basis in future nor the rules permitted so. It is further stated that the widow of the deceased or any of her sons did not apply for appointment immediately after death and this claim was advanced after more than 13 years which is untenable. Reliance has been placed by the bank of circular No. PER/53/75/96/184 dated 16th Sept. 1996 and

Establishment Circular No. PER/50/92/93/295 dated 25-11-93 which govern compassionate appointment in the bank. By Circular dated 16th Sept. 1996, it was made mandatory to make request for appointment under the scheme at the earliest and in any case not later than one year from the date of death of the employee. In the present case the request was made after more than 13 years and so, the bank has justified its action in not providing compassionate appointment to the workman, Rajesh Tomer.

4. The facts of the case that the father of the workman was a employee of the bank, he died during the employment tenure, and his family was entitled to compassionate appointment provided request made within a year from the date of death, are not disputed. In this back ground the evidence given by the parties require consideration. Admittedly, the workman made request after 13 years from the date of death when he passed Intermediate examination in the year 1994. The bank relies on its circular dated 16th Sept. 1996 which modified the earlier circular dated 25-11-96. This amended circular was issued on the basis of Supreme Court decision dated 4-5-94 in the case of Umesh Kumar Nagpal Vs. State of Haryana and others, wherein it was laid down that only in case of an employee died and leaving his family without means, an appointment on compassionate grounds to dependent of the deceased employee could be considered. Mere death of an employee in harness does not entitle his family to such source of livelihood.

5. The decision of the Supreme Court quoted above is binding. On the basis of decision, the amended scheme was formulated which provided limitation of one year for making request and also empowered the management to consider compassionate appointment on satisfaction that the financial condition of the family is such that but for the provision of the employment, family will not be able to bear the crises arising due to death. Para 4 of the circular further provides that in case the dependent is a minor which does not possess minimum qualification his/her case can be considered at the discretion of the bank within 4 years of death of the employee. This circular being in conformity with the Apex Court decision, is binding.

6. In the present case, the workman was aged about 6 years at the time of death of his father and so, was minor and not qualified for appointment. The maximum period of 4 years for making request was available to him but this request was made after 13 years. The bank can not go beyond the scheme in entertaining belated application. The dependent of the deceased employee does not have reservation against any post simply on the ground of being son of the deceased employee. The appointment is given

as exception to the general policy followed in public employment, to make the family able to maintain itself which arises due to untimely demise of the employee. In the present case, the family survived for more than 13 years and the son also got educated upto 12th standard. There is no evidence to indicate, but for the appointment the family will not survive. The scheme framed by the bank is legal and has not been quashed by any constitutional court and so, the stipulations of the scheme is binding on the bank. The workman made application much belatedly. The conditions specified by the Supreme Court to make him entitled to compassionate appointment, is, also not fulfilled. Accordingly, the action of the bank can not be faulted.

7. The reference is adjudicated against the workman. He is not entitled to compassionate appointment and is also, not entitled to any other relief.

8. Award is above.

Lucknow

22-1-2003

RUDRESH KUMAR,
Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 889.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 175/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12011/169/2001-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 889.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 175/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12011/169/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW****PRESENT****Rudresh Kumar : Presiding Officer****I. D. No : 175/2001**

Ref. No. L-12011/169/2001/IR(B-II) dt. 28-11-2001

BETWEEN

Secretary, Union Bank Staff Association C/o Union Bank of India 24/53, Birhana Road, Kanpur-208001 (espousing cause of Bachhe Lal Kanojia)

And

Asstt. General Manager, Union Bank of India, Pandu Nagar, Kanpur-208001

AWARD

By Order No. L-12011/169/2001/IR(B-II) dated 28-11-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Section 2(A) of Section 10 of the Industrial Disputes act, 1947 (14 of 1947) referred this industrial dispute between Secretary, Union Bank Staff Association, C/o Union Bank of India, 24/53, Birhana Road, Kanpur-208001 (espousing cause of Bachhe Lal Kanojia) and Asstt. General Manager, Union Bank of India, Pandu Nagar, Kanpur-208001 for adjudication.

The reference under adjudication is as under :

"Whether the action of the management of Union Bank of India for not refixing the pay of Shri Bachhe Lal Kanojia on his promotion from Sub-staff to clerical cadre on 1-1-1984 and to allow his Junior in getting more pay is legal and justified? If not, what relief the concerned workman is entitled to?"

2. Initially, the claim was contested by the management. However, the parties resolved their differences and submitted settlement before the Tribunal and verified the same.

3. This settlement between the parties is without prejudice to their respective stand taken in their statement of claim and defence. The representative of the management clarifies that this settlement should not be treated a precedence for other disputes in future. This apprehension is unnecessary as it is always open to the management to take independent view on merit of individual cases and form subjective opinion in such individual

cases and no settlements including this one will take away its administrative prerogative.

4. In light of the settlement verified by the parties before this Tribunal there remains no dispute to be adjudicated and as such, the award is passed in light of settlement which shall form part of this award. Furthermore, it is directed that the management shall ensure payment of arrears as agreed to without any interest within three months from the date of this award, failing which the workman will be entitled to interest @12% till date of actual payments.

5. Award as above. Let a copy of award be given to the parties free of cost.

Wrongly typed reference order "Whether the action of the management of Union Bank of India in relation to their Assistant General Manager, Union Bank of India, Kanpur in not re-fixing the pay of Shri Brij Kishore Cheturvedi on his promotion from Sub-staff a cadre to clerical cadre and non-payment of the difference in salary is legal and justified? If not, what relief the concerned workman is entitled to?" is substituted by correct reference vide order dated 28-1-2003.

Lucknow

28-1-2003

RUDRESH KUMAR, Presiding Officer

Before C.G.I.T. -cum-Labour Court, Lucknow Annexure in respect of award in I.D. Case No. 175/2001 between Secretary, Union Bank Staff Asson. (espousing cause of Bachhe Lal Kanojia) Vs. Asstt. General Manager, Union Bank of India Kanpur.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW****I. D. No : 175/2001****BETWEEN**

Secretary, Union Bank Staff Association C/o Union Bank of India 24/53, Birhana Road, Kanpur-208001 (espousing cause of Bachhe Lal Kanojia)

AND

Asstt. General Manager, Union Bank of India, Pandu Nagar, Kanpur-208001

The representative union viz. Union Bank Staff Association through Shri Shyam Sunder Dixit, Joint Secretary of the said union assisted by Authorised Representative Shri B.P. Saxena, and the Union Bank of India represented by Mr. S.N. Mehra, Manager (Personnel) assisted by Authorised Representative Mr. Gaurav Gunjan,

discussed this pending dispute in between the parties and agreed on the following terms and conditions to be treated as final :

- (i) The management is agreed to refix the basic pay of the workman in terms of Staff Circular No. 3850 dated 11th April, 1992.
- (ii) That the management is agreed to pay arrears of salary payable to the workman consequence to this settlement. However, no arrears of Salary shall be payable prior to 01-04-92 as per the provision of Staff Circular No. 3850 dated 11-04-1992.
- (iii) That except for revision of Basic Pay as envisaged in Staff Circular No. 3850 dated 11-04-1992, no other benefits such as interest on arrears will be payable to the workman will be available to the workman. In other words, the workman shall not claim any other benefit i.e. interest on arrears.

In light of the agreement arrived at between the parties as above this settlement is filed and verified before the Tribunal, to be treated full and final settlement and the parties undertake not to raise any dispute in future on any matter related to dispute referred to for adjudication.

Shyam Sunder Dixit

S.N. Mehra

Joint Secretary

Manager (Personnel)

(B.P. Saxena)

(Gaurav Gunjan)

Authorised representative
(Workman)

Authorised representative
(Management)

नई दिल्ली, 18 फरवरी, 2003

क्रा. आ. 890.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट (संदर्भ संख्या 152/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12011/286/2000-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 152/2001) of the Central Government Industrial Tribunal-cum-LC Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12011/286/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S.M. Goel

Case No. I. D. : 152/2K1

The General Secretary, Central Bank of India Employees Union (Haryana) 129, Lal Kurti, Ambala (Haryana) 133001.

... Applicant

Vs.

The Regional Manager, Central Bank of India 106 Metro Motor Building, Ambala (Haryana) 133001

Respondent

REPRESENTATIVES

For the Workman : None

For the Management : Sh. D.K. Chada

AWARD

(Passed on 20-1-2003)

The Central Govt. Ministry of Labour vide Notification No.L-12011/286/2000/IR(B.II) dated 28-3-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Bank of India in cancelling the interview dated 13-3-1999 of Shri. Mangat Sharma for the purpose of promotion to Office cadre is just and legal? If not, what relief the workman is entitled to?”

2. None appeared on behalf of the workman. It appears that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed.

Chandigarh

20-1-2003.

S. M. GOEL, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 891.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 30/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/21/2001-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 891.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2001) of the Central Government Industrial Tribunal-cum-LC. Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12012/21/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"SHRAM SADAN"

III Main, III Cross, II Phase, Tumkur Road,
Yeshwanthpur, Bangalore.

Dated : 20th January 2003

PRESENT

Hon'ble Shri V. N. KULKARNI, B. Com. LL.B.

Presiding Officer

CGIT-CUM-LABOUR COURT, BANGALORE

C.R. No. 30/2001

I Party

Shri B.M. Sridhar,
S/o Mahabalagiriappa,
R/o Balegallu Village,
Post—Tumari,
Sagar Taluk,
Shimoga-577401

II Party

The Regional Manager,
Syndicate Bank,
Regional Office,
Neeligin Road,
Hubli.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. 12012/21/2001/IR (B-II) dated 26th April, 2001 for adjudication the following schedule :

SCHEDULE

"Whether the management of Syndicate Bank is justified in not absorbing Shri B.M. Sridhar, Temporary Attender to the post of Permanent Attender? If not, what relief the workman is entitled to?"

2. The first party was working with the management. He was not absorbed so he raised dispute. He also contented that he is terminated and again corrigendum issued. In other words the dispute is "Whether the action of the management of Syndicate Bank is justified in terminating the services of Shri B.M. Sridhar, Temporary Attender w.e.f. 10-05-2000 and not absorbing him to the post of Permanent Attender? If not what relief the workman is entitled to?"

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the workman in brief is as follows :

5. It is the case of the workman that he was working as temporary Attender in 1983 in Shimoga District. He was discharging permanent and perennial nature of duties. He was persuading the management for better service conditions. On 10-5-2000 the management without assigning any reasons, stopped giving work. He was worked continuously for more than 17 years. Other workers appointed along with him are still working but he has not given job and he is not absorbed. It amounts to retrenchment, which is stated in Para 8 in detail. The action of the management is not correct. There is no source of income in the family and he is suffering a lot. Workman for these reasons and for some other reasons has prayed to pass award in his favour.

6. Against this the case of the management is that the Second Party is a Nationalised Bank. He was engaged as temporary Attender.

7. It is the further case of the management that there is no cause of action in raising the present dispute by the first party. It is contended by the management that on various days during the year 1983, 1984, 1985, 1988, 1999, 2000 he has worked for 161 days in between 22-11-2000 and 23-11-2001. The services of the first party were engaged depending on the requirement and necessity.

8. It is contended by the management that the workman has worked even after 10-5-2000 and therefore the question of his termination does not arise and all the allegations made by the workman are not correct. So far as regularization is concerned, it is stated by the management that the bank has entered into a settlement with the Syndicate Bank Employees Union and according to Clause 3 of the settlement dated 9-4-1996 clearly states that the temporary Attenders who had worked for more than 240 days in consecutive period of 12 months between 1-1-1982 and 31-12-1989 will be given preference. Therefore, he was not considered. The first party has worked as temporary attender in between 1983 and 1985 and was not available for work from 1986 to 1997. The first party did not complete 240 days of continuous service. As per Clause No. 7 of the Settlement dated 9-4-1996, the candidates from the panel shall be absorbed in a phased manner subject to availability of substantive vacancies and subject to the prior approval from the Government of India/Reserve Bank of India as required by the Memorandum of Settlement signed by the Bank. The first party has not at all completed 240 days of service consecutively for a period of 12 months.

9. It is the further case of the management that the bank is maintaining a panel of temporary Attender for Shimoga District. His name appears in the Seniority List at Sl. No. 2. Therefore the case of the workman is not justifiable. There must be vacancy for absorption.

10. Regarding termination the dispute is bad. Management for these reasons has prayed to reject the reference.

11. It is seen from the records that the management examined MW1 and after the close of the evidence workman got examined as WW1. Documents were marked. I have heard both sides in detail. I have perused the entire documents.

12. MW1 is the Manager. He has given detailed evidence and he has said that he is looking after the work of Panel of Attenders. He has further stated that during the leave period of regular attenders whenever there is vacancy temporary attenders are engaged. He has given detailed evidence and various documents are marked in his evidence.

13. During the course of cross examination MW1 has stated that even now if there is vacancy and as per

guidelines the first party can be absorbed. He will be absorbed as per rules.

14. Against this workman has given evidence stating that he has worked with the management more than 240 days in the year 1999. Documents are marked in his evidence. In his cross examination he admits that in the year 1996 there was settlement. He worked after 10-5-2000 also with the management.

15. Considering the evidence and the documents relied by the parties I am of the opinion that the workman has established that is entitled for absorption.

16. Regarding termination it is clearly submitted by the learned counsels appearing for the parties that even after 10-5-2000 the workman is working with the management and therefore, practically there is no termination.

17. In view of this fair submission there is no dispute about termination and that point need not be answered. In fact there is no termination at all.

18. Now regarding absorption according to the admitted facts the name of the workman is in the list of Shimoga district and he is at Sl. No. 1. Another grievance of the workman is that one Mr. Devappa was at Sl. No. 1 and he was not regular in attending the work and therefore, there was a proposal to delete his name. Since that time the present workman would have been at Sl. No. 1 and entitled for absorption.

19. Admittedly we cannot travel beyond the dispute, which is referred by the Competent Authority. Here we are not concerned whether the management is justified in placing Devappa at Sl. No. 1 and the first party at Sl. No. 2 even after the proposal of deleting his name. Any how workman has said in this cross examination that he does not know about deletion. Any how now the first party workman is in the list of Shimoga for absorption and he is at Sr. No. 1. Naturally management has to absorb him immediately whenever there is vacancy.

20. Considering all this I am of the opinion that the workman is entitled for absorption. Accordingly I proceed to pass the following Order :

ORDER

Reference is allowed. Management is directed to absorb the services of the workman who is at Sr. No. 1 on arising vacancy at Shimoga district. Accordingly reference is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 20th January, 2003)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 892.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 32/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/22/2002-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 892.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12012/22/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL-CUM-LABOUR COURT

"SHRAM SADAN"

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 29th January 2003

PRESENT:

Hon'ble Shri V. N. Kulkarni, B. COM, LL.B.

Presiding Officer

CGIT-CUM-LABOUR COURT
BANGALORE

C. R. NO. 32/2002

I Party

Shri K. Govindaraju,
S/o Krishnamurthy,
No. 19/1, 11th 'B'
Cross, Vyalikaval,
Bangalore-560003

II Party

The Deputy General
Manager, Canara Bank;
Disciplinary Action Cell,
Circle Office, M.G. Road,
Bangalore-560001

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of

the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/22/2002-IR(B-II) dated 18th June 2002 for adjudication on the following Schedule :

SCHEDULE

"Whether the action of the Management of Canara Bank is justified by dismissing the workman Shri K. Govindaraju w.e.f. 28-8-1999 from Services? If not, to what relief the workman is entitled to and from which date?"

2. The workman was dismissed from service and therefore, Industrial Dispute is raised.

3. Notices were sent to the parties. Even after issue of notices first party is not appeared before this Tribunal. It appears that he is not interested in this dispute. Many adjournments were granted. No claim statement is filed. Therefore, I pass the following Order :

ORDER

The reference is dismissed for default and non-pursuation.

(Dictated to PA transcribed by her corrected and signed by me on 29th January, 2003.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 893.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 78/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/24/2001-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 893.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12012/24/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, LUCKNOW****PRESENT:**

Rudresh Kumar, Presiding Officer

I. D. No. 78/2001

Ref. No: L-12012/24/2001/IR (B-II) Dated: 14-5-2001

BETWEEN

Ramasrey S/o Late Nattha, Vill. Khetari

P.O. Maholliashivpar, Hardoi

ANDThe Regional Manager, Central Bank of India,
88-B, Civil Lines, Bareilly-243001**AWARD**

By order No. L-12012/24/2001/IR (B-II) Dated 14-2-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) of Section 2(A) of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Ramasrey S/o Late Nattha, Vill. P.O. Maholliashivpar, Hardoi and the Regional Manager, Central Bank of India, 88-B, Civil Lines, Bareilly for adjudication.

The reference under adjudication is as under:

“Whether the action of the Management of Central Bank of India, Civil Lines, Bareilly (through Manager main branch, Hardoi) in terminating the services of their workman Ramasrey w.e.f. June, 2000 was legal and justified? If not, what relief the workman is entitled to?”

2. In short, the case of the workman, Ramasrey is, that he was initially appointed as Temporary peon and posted at Mandi Extn. Counter under Hardoi main branch of the Central Bank of India in March 1993. He was paid @ Rs. 20/- per day though duties of a peon for whole day was taken from him. He was paid less payment and the management indulged in unfair labour practices as defined under Section 2 (ra) of the I. D. Act, 1947. He worked as temporary peon until June, 1994 and completed 240 days in each year including preceding one year before termination. His retrenchment without any notice or compensation is against the provision of Section 25-F of the I. D. Act, 1947. He was again appointed by the

Manager, Hardoi Branch as temporary peon on 1st May, 1997, and worked from 8.30 A.M. to 8 P.M. and paid @ Rs. 20/- per day which was later increased to Rs. 25/- and Rs. 30/- per day. The Bank did not pay wages for intervening Sundays and holidays as per Circular No. CO/90-91-330 dated 4-10-90. The bank also used to make payments in fictitious name i.e. payment vouchers were made in different names and he was paid wages to write those names in order to receive payments. He was also asked to do work of Safaiwala in his absence and was paid extra payments with the rate @ Rs. 15/- per day. In total, he worked for more than 361 days in a calendar year until June 2000 but his services were abruptly terminated which is illegal. He is entitled to reinstatement with back wages.

3. The bank has denied appointment of the workman as temporary Peon at Extn. Counter or main branch of the bank as alleged. It is denied that he worked continuously for 240 days or more at any point of time. The workman was a servant of the generator-contractor, installed in the bank and used to be present in the bank premises. Sometimes, as per need his services were taken for bringing water from outside and he was remunerated for it. He did not work for the bank for 240 days or more to attract benefits under Section 25-F of the I.D. Act, 1947. There had never been master and servant relationship between the bank and workman and so, his claim is refuted.

4. The workman has filed 16 leafs of photo copies of the Peon book, alleged to be of the bank, and one photograph taken at the time of opening of teller counter in July 1999. He also examined himself to substantiate his case of continued employment in the bank. The opposite party bank has filed 108 payment vouchers showing that in between 1-9-97 to Feb. 1999, the services of workman were taken for bringing water and for this work he was paid Rs. 20/- or 25/- depending upon work done by him. It is denied that he was a daily wage worker. The case of the management is that the workman was a man of contractor to run generator which was in the bank's premises from the year 1997. His services were taken on payment; for work done and not for whole day. The bank refutes that his services were utilised but payments were made in changed names or he was forced to sign in the name of others.

5. The burden to prove appointment lies on the workman and further, that he worked continuously for 240 days in the preceding one year. There are no materials to prove that the workman was engaged as peon against any vacancy or he discharged duties of a peon. The reference order mentions termination of the workman w.e.f. June, 2000 and not in the year 1994 and so, this tribunal is not required to go into merit of this fact. The workman has admitted that he was again appointed

in the year 1997 and worked till June 2000 when terminated

6. As regards his working from the year 1997 onward the claim of the workman is denied by the bank. The bank has filed 108 vouchers showing payments to him. These vouchers, do not prove 240 days and more working. Likewise, there is no evidence that the workman was appointed by calling his name from the Employment Exchange after due selection. There is no evidence to show that the workman had performed duties of a peon or sub staff for 240 days or more. Photo copies of the peon book bears name of the workman who received dak but the period given in these peon books are not sufficient to warrant inference of his being a peon. Furthermore, from these photo copies it can not be said that signatures of Ramasrey were also in the original. The workman should have proved that he signed on all these days. It is a general statement. There is no specific mention of this fact in the affidavit. These papers were not supposed to be with the workman and so, are suspicious. The workman did not sought production of original records to substantiate his case. In any event, the documents filed by the workman and management do not show that his working period was for 240 days or more to attract Section 25-F of the I. D. Act. 1947. The workman himself admitted that he worked in two spells first, in 1993-94 and again from 1997-2000. It has already been stated that during these period the workman had not completed 240 days in preceding 12 calander months.

7. The management has justified presence of the workman for running generator. It is not uncommon to utilise services of such person on payment as per need and this association will not assist the workman to claim reinstatement or to establish master and servant relationship.

8. Accordingly, in the facts and circumstances of the case, the workman failed to prove his continuous working for 240 days and so, he is not entitled to protection of Section 25-F of the I. D. Act. The reference is adjudicated against him. He is not entitled to any relief.

9. Award as above.

LUCKNOW RUDRESH KUMAR, Presiding Officer
24-1-2003

नई दिल्ली, 18 फरवरी, 2003

का. अ. 894.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ़ बड़ौदा के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली के पंचाट (संदर्भ संख्या 90/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2003 को प्राप्त हुआ था।

[सं. एल-12012/38/2000-आई. आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 894.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/2000) of the Central Government Industrial Tribunal/Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 30-1-2003.

[No. L-12012/38/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: NEW DELHI

PRESIDING OFFICER: SHRI B. N. PANDEY

I. D. No. 90/2000

Shri A. K. Virmani,
Through the General Secretary,
Bank of Baroda Employees Association (Regd.)
H-72, Connaught Circus,
New Delhi.

..... Workman

Versus

The General Manager,
Bank of Baroda,
30B, Zonal Office,
16, Parliament Street,
New Delhi-110001

..... Management

AWARD

The Central Government in the Ministry of Labour vide its order No. L-12012/38/2000-IR(B-II) dated 22-8-2000 has referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the action of the Management of Bank of Baroda to punish, by way of stoppage of one increment of Shri A. K. Virmani, E.C. No. 28258 vide order No. R.O. DCR-II VIG: 171 dated 29-5-98 and not granting the education allowance to the said workman is legal and just? If not, to what relief the workman is entitled to and from what date?"

2. The reference was received and registered on 12-9-2000 and notice to parties was issued for 5-12-2000. On 5-12-2000 Shri T. C. Gupta appeared for management but none for workman appeared and case was adjourned to 25-1-2001 for filing of claim. On 25-1-2001, 22-3-2001 and 18-5-2001 none for workman appeared and Shri T.C. Gupta appeared for management notice to workman was ordered to be issued to workman for 31-7-2001. On 31-7-2001 workman appeared in person and none for

management appeared claim not filed by the workman. Request for adjournment was made. Case adjourned to 24-9-2001 for filing of claim. On 24-9-2001, 19-11-2001, 11-2-2002, 22-4-2002, 29-7-2002, 11-11-2002 and today i.e. 23-1-2003 none appeared on either side. Statement of claim not filed despite repeated adjournments for the same. Hence opportunity closed. No dispute Award is passed leaving the parties to bear their own costs.

Dated : 23-1-2003 B.N. PANDEY, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 895.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 78/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/56/94-आई. आर. (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 895.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/94) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12012/56/94-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

PRESIDING OFFICER : SHRI S. M. GOEL

Case No. I. D. 78/94

Shri Karam Singh S/o Shri Baru Singh,
Mahan Vir Basti, Bhiwanigarh,
Distt. Sangrur (Pb.)

.....Applicant

Versus

Regional Manager,
Punjab & Sind Bank,
Regional Office,
Bathinda (Pb.)

.....Respondent

REPRESENTATIVES:

For the workman : None
For the management : Shri J.S. Sathi

AWARD

(Passed on 20-12-2002)

The Central Government Ministry of Labour vide Notification No. L-12012/56/94-I.R.B-II dated 11th August, 1994 has referred the following dispute to this Tribunal for adjudication :

“Whether Shri Karam Singh was a ‘workman’ within the meaning of Section 2(s) of the ID Act, 1947 ? If so, whether the action of the management of Punjab and Sind Bank, Bhatinda in terminating his services w.e.f. 8-5-93 is justified if not, what relief is he entitled to ?”

2. In the present case, the workman has filed an application for seeking permission to withdraw the present reference. In view of the above, the applicant is allowed to withdraw the present reference in lok Adalat. The reference is returned as withdrawn by the applicant. Central Government be informed.

Chandigarh

S. M. GOEL, Presiding Officer

Dated 20-12-2002

नई दिल्ली, 18 फरवरी, 2003

का. आ. 896.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोलम के पंचाट (संदर्भ संख्या 86/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/92/2000-आई. आर. (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 86/2000) of the Industrial Tribunal Kollam as

shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12012/92/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 16th day of January, 2003)

PRESENT:

SRI. C. N. SASIDHARAN, Industrial Tribunal

IN

Industrial Dispute No. 86/2000

BETWEEN

The Regional Manager,
Central Bank of India,
Gopal Building, Thyvitta Road,
Trivandrum.

.....Management

(By Sri. J. Jacob, Advocate, Kollam)

AND

Sri S. Suresh, Kinaruvila
Vadakkathil, Kanimelcherry,
Kavanad P.O.,
Kollam (Ex-parte)

.....Workman

(By M/s. H.B. Shenoy, Advocates, Cochi)

AWARD

The Government of India as per Order No. L-12012/92/2000/IR (B-II) dated 24-8-2000 have referred this industrial dispute to this Tribunal for adjudicating the following issue :

"Whether the action of the Management of Central Bank of India in relation to their Sakthikulangara branch in terminating the services of Sri. S. Suresh, Safai Karamchhari w.e.f. 28-6-96 is Justified? If not, to what relief the employee is entitled?"

2. The case of the workman is briefly as under: The workman was employed as a Safai Karmachary at Sakthikulangara branch of the management bank from 22-3-1993. He was not given any appointment letter though he was employed against a regular and permanent vacancy. He was employed as Peon at times. Though he was appointed against a permanent vacancy and done all that duties, he was not extended and privileges of benefits commensurate with the permanent safai Karamchhari. He was treated as a temporary workman. He was not

regularised in spite of request and the bank terminated his services on 28-6-1996 without complying any of the conditions in Sec. 25-F of the Industrial Disputes Act 1947 ('the Act' for short) though he had put in continuous service of not less than one year. He was not given notice of retrenchment or pay in lieu of notice. This amounts to retrenchment as illegal and a ab initio void. The management has not complied the minimum conditions laid down in paras. 522(4), 523 and 524 (I) of the Sasthri Award binding on the management. While discharging his services the management retained workman much junior to him and regularised in permanent cadre. This is violation of Sec. 25-G of the Act, and para 507 of the Sasthri Award. Further the management has taken in new hands in service without considering the claims of this workman which is violative of sec. 25-H of the Act. He was not allowed to sign the attendance register or his service record maintained by the bank. The workman was not afforded opportunity to appear for the test conducted by the bank or absorption of temporary workmen in permanent cadre which was in violation of the circulars issued by the management. The workman has put in more than 240 days of service during a period of 12 consecutive months. According to the workman he is out of employment since 26-8-1996 and he is entitled to be reinstated in service with all benefits.

3. The case of management is briefly as under : The workman was not an employee of the bank and hence not governed by All India Awards and Bipartite settlements. He was not employed as Safai Karamchhari from 22-3-1993 and hence no question of termination arise. He was engaged on purely temporary basis as casual worker and hence no appointment letter was issued. The Bipartite settlements and Sasthri Awards are applicable to bank employees alone. The workman was never employed by the management for their Sakthikulangara branch against a regular and permanent vacancy of safai Karamchhari. There is no such regular vacancy exists at all. He never worked continuously in the service of the bank. The service of casual worker need not be terminated and Awards and Bipartite settlements are not attracted in this case. The workman's service was taken when permanent staff was on leave on daily basis and he was not eligible for any benefit. He was taken by the local officers of the bank without any authority. Permanent appointments can be made only through higher authorities after notifying vacancies and after due process. So he was not considered for any vacancy and hence not eligible for permanent posting. As he was not an employee of the bank, there is no question of retrenchment and provisions of the Act do not apply in this case. Muster Roll is maintained for regular staff members. Management has not done any injustice by providing temporary casual employment with the workman. Management never prevented the workman

from appearing any legal test conducted by the bank. He was engaged purely on temporary basis for 65 days during the year 1993 on various dates and 35.5 days during the year 1994 on various dates. The total engagement as casual worker was 100.5 days only. The management denies all other allegations made by the workman. According to the management the workman is not entitled to any relief.

4. The workman has filed a replication disputing the contentions of management and reaffirming this case.

5. No oral evidence has been let in by either side. The workman has filed proof of affidavit and produced three documents. But he was not made available for cross examination without any explanation. The management has also not adduced any oral evidence. However, Exts. M1 to M4 have been marked on their side. The documents produced by the workman have been marked as Exts. W1 to W3 by this Tribunal as agreed by the management's counsel.

6. Though the workman was set ex-parte, this award is being passed on merits after due consideration of the proof affidavit filed by him and the documents produced.

7. The workman in this dispute is claiming reinstatement in service contending that he was employed as Safai Karmachari by the management bank against regular and permanent vacancy. According to him he was employed more than 240 days for a period of consecutive 12 months and his services were terminated without complying the provisions of the Act, Bipartite settlement and Sasthri Award. The management has denied even the existence of a post of Safai Karmachari at Sakthikulangara branch and it is not proved otherwise by the workman. At the instance of the workman the management has produced Exts. M1 to M4 documents. Ext. M1 is miscellaneous daily wages vouchers 29 members, Ext. M2 is photostat copy of daily wages paid account maintained in the Sakthikulangara branch from 1993-94. Ext. M3 is circulars dated 20-9-1993 and 12-3-1991 Ext. M4 is daily wages register for the year 1995. These documents fully support the case of management that the workman was employed as casual worker for 65 days during the period from March to December 1993 and 35.5 days from February 1994 to May 1994 totalling 100.5 days. Exts. W1 to W3 are the documents produced by the workman. Ext. W1 is photocopy of conciliation failure report. Ext. W2 is photocopy of letter addressed to State Bank of India, Kollam from the Sakthikulangara branch of management bank dated 15-3-1995 wherein Mr. Suresh is stated as bearer of that letter. Ext. W3 is photocopy of letter addressed to the Kollam branch of the management bank from the Sakthikulangara branch dated 14-7-1995 in which Sri. Suresh is stated as temporary staff. Exts. W2 and W3 at the most prove that Sri. Suresh was employed by the management on those two days as temporary staff. In Ext. W1 also there is nothing

supporting the case of the workman. Exts. W1 to W3 documents produced by the workman does not support his case that he was employed more than 240 days during the consecutive period of 12 months. There is no other evidence to support the case of the workman that he was employed by the management as Safai Karmachari or as a casual workman for more than 100.5 days. On the other hand the documentary evidence on the side of the management fully negatives the case pleaded by the workman.

8. Admittedly he was not given any appointment letter and it is not established that he was an employee of the management bank otherwise than casual worker. That being the position the question of retrenchment does not arise and the provisions of the Act do not apply here. As he was not appointed by the management bank and was not in service, he need not be terminated. The Bipartite settlement entered into between the management and their employees and also Sasthri Award are applicable only to the employees of the bank and it will not come to the rescue of the workman as he was only a casual employee. On any account it cannot be said that the management bank has done any injustice to the workman. Therefore the workman is not entitled to any relief as claimed by him.

9. In view of the above discussion, I hold that the management of Central Bank of India has not terminated the workman Sri. Suresh and the management has not done any injustice to him. The workman is therefore not entitled to any relief in this reference.

An award is passed accordingly.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Documents marked on the side of the Workman

- Ext. W1. Photostat copy of failure conciliation report sent by the Asstt. Labour Commissioner (Central) Trivandrum to the Secretary, Government of India, Ministry of Labour, New Delhi dated 28-4-2000.
- Ext. W2. Photostat copy of letter addressed to the State Bank of India main branch, Kollam from the Sakthikulangara branch of the management bank dated 15-3-1995.
- Ext. W3. Photostat copy of letter addressed to the Kollam branch of the management bank from Sakthikulangara branch dated 14-7-1995.

Documents marked on the side of the Management

- Ext. M1. Series (21 nos.) PLL miscellaneous vouchers.
- Ext. M2. Photostat copy of daily wages paid account maintained in the Sakthikulangara branch for the period from March 1993 to May 1994.

Ext. M3. Series (2 nos.) Photostat copies of circulars issued by the management bank dated 20-9-1993 and 12-3-1991

Ext. M4. Daily wages register for the period 1995.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 897.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/शम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 157/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2003 को प्राप्त हुआ था।

[सं. एल-12012/111/2000-आई आर (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 897.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 157/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 29-1-2003.

[No. L-12012/111/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

PRESENT:

RUDRESH KUMAR

Presiding Officer

I. D. No. 157/2000

Ref. No. L-12012/111/2000/IR(B-II) dt. 29-9-2000

BETWEEN

Asstt. General Secy. Central Bank Staff

Association, 13/11, Shiv Nagar, Colony,

Allahapur, Allahabad-6

(espousing cause of Pappu Kumar)

AND

The Regional Manager, Central Bank of India

Zonal Office, Lanka, Varanasi-221005

AWARD

By order No. L-22012/111/2000/IR(B-II) dated 29-9-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and section 2(A) of I.D. Act, 1947 (14 of 1947) referred this Industrial Dispute between the Asstt. General Secretary, Central Bank Staff Association, 13/11, Shiv Nagar, Allahapur, Allahabad and the Regional Manager, Central Bank of India, Zonal Office, Lanka, Varanasi for adjudication.

The reference under adjudication is as under :

“Whether the action of the management of Central Bank of India in terminating the services of Pappu Kumar w.e.f. 25-2-1997 is legal and justified? If not, to what relief the disputant entitled to?”

2. The case of the workman, Pappu Kumar alias Sunil Kumar, is that he was fully qualified to be a Peon in the opposite Party Central Bank; that he was offered employment as temporary Peon on 1-2-93 in Muthiganj branch of the said bank at Allahabad; that he was required to work for full working hours and performed all duties of a Peon but was paid @ Rs. 10/- per day which was increased to Rs. 20/- per day; that he was required to be paid wages for Sundays and holidays but the bank did not comply instructions in this regard; that the bank did not regularise him though he worked in the bank for more than 240 days in a year between 1-1-96 to 31-12-96, and that the bank terminated his services on 25-2-97 without making compliance of statutory provisions contained in section 25-F of the I.D. Act, 1947, by not giving any notice before termination or paying retrenchment compensation etc. As such, the workman has impugned his termination w.e.f. 25-2-97 in this industrial dispute, seeking relief of reinstatement and full back wages etc.

3. The management has denied that the workman was ever engaged as Peon. However, it has admitted that he was associated to work in the bank on daily wages and used to be paid for the work done. The bank contested that the workman was entitled to post of Peon or remuneration of a Peon. It has also justified its action in terminating his services stating that nature of job of the workman, was of casual depending of availability of works. His services were terminated when there was no work available for him. However, the bank has not denied that before retrenchment, he was given any notice or paid compensation, as provided under section 25-F of the I.D. Act, 1947.

4. The workman relied on his statement and also statement of Ajay Awasthi. The management relied on the statement of Samarjjet Tripathi, Sr.Branch Manager. In addition, the bank has filed 269 payment vouchers showing that the workman was paid @ Rs. 10/-per day which was increased to Rs.20/- per day during the period 24-2-96 to 25-2-97. These vouchers are admitted by the A/R workman.

5. The terms of reference is confined to determine validity of termination dated 25-2-97. There is no reference to go, into the merit of payment as such adjudication is to be confined whether the termination dated 25-2-97 is legal and justified.

6. The bank has not denied association of the workman, though it has contested the claim. The Central Bank Head Office vide circular, dated 4-10-90 directed its subordinate offices to make payment for intervening Sundays and holidays. The payment vouchers submitted by the bank indicate that Pappu Kumar continued to work for more than 240 days in 12 calander months. In between the period 26-2-96 to 25-2-97 his working days were 267 days. The period of Sundays and holidays are also to be treated paid holidays in view of the circular dated 4-10-90 referred to above. On counting of these working days the number of working days increases further. In the said circumstances, the case of the workman is fully covered in the definition of 'continuous service' as defined under section 25-B of the I.D. Act, 1947, attracting application of section 25-F of the said Act.

7. The management did not give any notice before terminating the services of the workman nor paid retrenchment compensation as per provision of section 25-F of the I.D. Act in the said circumstances, the termination order dated 25-2-97 is void-ab-initio and workman is entitled to continuity in service with full back wages.

8. The award is as above.

LUCKNOW RUDRESH KUMAR, Presiding Officer
21-1-2003

नई दिल्ली, 18 फरवरी, 2003

का. आ. 898.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 156/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2003 को प्राप्त हुआ था।

[सं. एल-12012/112/2000-आई आर (बी.-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 898.—In pursuance of Section 17 of the industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 156/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman,

which was received by the Central Government on 29-1-2003.

[No. L-12012/112/2000-IR (B-II)]

C. GANGADHARAN, Under Secy

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

PRESENT:

RUDRESH KUMAR

PRESIDING OFFICER

I. D. No. 156/2000

Ref. No. L-12012/112/2000/IR(B-II) dt. 29-9-2000

BETWEEN

Asstt. General Secy. Central Bank Staff

Association, 13/11, Shiv Nagar, Colony,

Allahapur, Allahabad-6 (U. P.)

(espousing cause of Mahendra Kumar)

AND

The Regional Manager, Central Bank of

India, Zonal Office, Lanka, Varanasi-221005

AWARD

By order No. L-12012/112/2000/IR(B-II) dated 29-9-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and section 2(A) of I.D. Act, 1947 (14 of 1947) referred this Industrial Dispute between the Asstt. General Secretary, Central Bank Staff Association, 13/11, Shiv Nagar, colony Allahapur, Allahabad and the Regional Manager, Central Bank of India, Zonal Office, Lanka, Varanasi for adjudication.

The reference under adjudication is as under :—

“Whether the action of the management of Central Bank of India in terminating the services of Mahendra Kumar w.e.f. 25-7-2000 is legal and justified? If not, to what relief the disputant entitled to?”

2. The workman, Mahendra Kumar, pleads that he was employed as Peon at Lahurabir branch, Varanasi of the Central Bank of India w. e. f. 5-8-91 and used to perform all duties of a Peon for full working hours. Despite his working for full day, he was paid Rs. 16/- per day against prescribed norms and the bank, so indulged in unfair labour practices as defined under section 2(ra) of the I. D. Act, 1947. The circular No. K. Ka : 90-91-330 dated 4-10-90 issued from the Head Office instructed all the subordinate offices to treat intervening sundays and holidays as paid days, but the

workman was denied wages for those days. Furthermore, the management terminated his services illegally w.e.f. 25-7-92 though he had worked for more than 240 days in between 5-8-91 to 25-7-92. Before terminating his services, he was not paid any retrenchment compensation nor was given any notice as contemplated under section 25-F of the I.D. Act, 1947, rendering his termination void-ab-initio.

3. The management has denied that the workman was engaged as Peon at any point of time. It is admitted by the management that the workman was engaged as daily wager and was paid for the work done in between 5-8-91 to 25-7-92. As work was not available thereafter, his services were not required. There was no need of giving any notice in case of a daily wager as at the evening of day, his services got automatically ceased. No notice was required nor the workman was required to paid any retrenchment compensation. He had worked only 229 days in 12 calendar months. The action of the management is justified in law and the workman is not entitled to any relief.

4. The workman relied on the circular dated 4.10.90 referred to above and other circulars relating to absorption of temporary employees. According to the workman, his working days were more than 240 days. He was made weekly payments. The management defied its own circular and did not make payment to him for intervening sundays and holidays. These paid holidays as per the circular has to be treated working days. Furthermore, the total period of working was more than 240 days as he continuously worked in between 5.8.91 to 25.7.92. The action of the management in terminating his services with notice or providing benefits as envisaged under section 25-F I.D. Act, 1947 is illegal and inoperative.

5. The management has denied working period of the workman. It has filed 44 photo copies of payment vouchers. All these vouchers are admitted by the workman. On simple calculation, 229 days payment were made excluding 28 sundays and holidays which intervened in between the working days. The management itself admitted in its reply before the ALC(C) that the workman remained engaged for 229 days. The question is whether the Sundays and intervening holidays should be included in the working period or not. The circular dated 4.10.90 provides that intervening sundays and holidays should be treated paid days. It is settled law that such paid holidays and sundays are in the nature of the rest days and are to be counted as working days. With this view of the matter, the total working days comes to 257 days in 12 calendar months. The workman's witnesses have also corroborated his continuous working to prove that in between 5.8.91 and 25.7.92, he worked continuously. The workman disputes and claim and all paper vouchers are not filed by the management.

6. It is not denied by the management that the workman was not given any notice or was paid

retrenchment compensation as envisaged under section 25-F of the I.D. Act, 1947. In fact and as per law 28 days need to be counted as working days to which the workman was to be paid as per the circular. Management admits 229 working days. Thus, the total comes to 257 working days, bringing the case of the workman under, section 25-B of the I.D. Act, 1947. So, he is to be treated in 'continuous service' attracting provision of 25-F of the said Act. The action of the management in terminating the services of the workman w.e.f. 25.7.92 without notice or compensation was not justified and the termination is void-ab-initio.

7. Accordingly, the workman is entitled to reinstatement on the last post held with full back wages.

8. Award as above.

LUCKNOW

21.1.2003 RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 899.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 252/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/114/91-आई आर (बी. II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 899.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 252/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12012/114/91-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 7th January, 2003

PRESENT:

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 252/2001

(Tamil Nadu State Industrial Tribunal I.D.No. 265/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between Sri S. Arokianathan and the Management of Indian Bank, Chennai.)

BETWEEN

Sri S. Arokianathan : I Party/Workman

AND

The General Manager : II Party/Management

Indian Bank, Chennai

Appearance :

For the Workman : M/s. R. Viduthalai,
L. N. Prakasam Harold Singh,
R. Revathi, Advocates

For the Management : Ms. Aiyar & Dolia,
R. Arumugam & N.
Krishnakumar, Advocates

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No.L-12012/114/91/IR(B-II) dated 24.9.99.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where the same was taken on file as I.D. No. 265/99. When the matter was pending enquiry in that Tribunal, Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu State Industrial Tribunal to this Tribunal for adjudication. On receipt of records from that Tamil Nadu State Industrial Tribunal, this case has been taken on file as I.D. No. 252/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 09.02.2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and prosecuted this case further.

Upon perusing the Claim Statement, Counter Statement, the documentary evidence let in on the side of the I Party/Workman, oral and documentary evidence let in on the side of the II Party/Management, the other material papers on record after hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

AWARD

The Industrial Dispute referred to in the above mentioned order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Indian Bank, Chennai, in dropping the name of Sri S. Arokianathan from the panel of temporary sub-staff and denial of employment is justified and legal? If not, what relief is the disputant concerned entitled to?”

2. The averments in the Claim Statement filed by the I Party/Workman Shri S. Arokianathan (hereinafter refers to as Petitioner) are briefly as follows: —

The Petitioner was appointed as temporary sub-staff in Villianur branch of Indian Bank on 8.8.86 by the Regional Manager. Ever since the Petitioner had been discharged his duties sincerely and without any blemish. On 9.2.88, the Branch Manager of the Indian Bank Villianur refused to employ the Petitioner and refused to state any reason and also requested the other staff of Respondent/Bank not to engage the Petitioner for any type of work. The Petitioner requested the Branch Manager to give employment to him on 23.2.88 for which no reply was given by Branch Manager. The Petitioner wrote a letter to the Zonal Manager, Indian Bank, Trichy dated 10.9.98 stating the illegality in not giving employment to the Petitioner. Having no other alternative, the Petitioner raised an industrial dispute in this regard before Assistant Labour Commissioner (Central), Chennai, which ended in a failure. The conciliation officer sent his failure report dated 20.3.91 to the Government of India but the Government of India, Ministry of Labour passed an order that it does not consider it a fit case for reference for adjudication. Then, the petitioner filed a Writ Petition No. 5093/92 before the High Court of Madras. The Hon'ble High Court of Madras in its order dated 1.8.99 in W.P. No. 9439/92 directed the Union Govt. to reconsider the matter afresh keeping in view all relevant aspects. Therefore, W.P. No. 5093/92 was also ordered accordingly. Then the Union govt. passed an order of reference of the dispute for adjudication to this Hon'ble Tribunal. The Cashier Sri Dominique who found fault with the Petitioner for each and every act of the Petitioner. The Branch Manager, Villianur used to support the cashier's decisions. On 8.3.88 the Petitioner was called to the branch office, Villianur and the Manager and Accountant obtained pardon letter under coercion from the Petitioner. The cashier was dictating the terms of that letter and the Petitioner was asked to go to the Villianur branch. On the next day, the Branch Manager told the Petitioner that his name was struck off from the panel and the Petitioner could not be given employment. After utilising the pardon letter for victimising the Petitioner, no employment was given to the Petitioner by Branch Manager. The Branch Manager and other staff members of Villianur branch have given a wrong information to the management about the Petitioner's performance about his work. Based on the misrepresentation of facts and false information given by the Branch Manager and other staff in Villianur branch, the Zonal Manager Indian Bank gave a show cause notice on 20-7-88 asking the Petitioner as to

why the Petitioner's name should not be dropped from the panel. The Petitioner gave a suitable reply dated 28-7-88 and thereafter nothing was heard from the Zonal Officer. The Petitioner came to know that the Regional Manager through letter dated 6-10-88 has informed the Manager of Villianur branch that the Petitioner's name has been removed from the panel of temporary sub-staff and the Branch Manager of the Pondicherry Region should not provide work to the Petitioner. The act of the management in not giving employment to the Petitioner is illegal, since the Petitioner has not been given any proper termination order. Moreover, the management has failed to conduct domestic enquiry for alleged charges of misconduct levelled against the Petitioner to find out the truth and so the principles of natural justice have been violated. According to the settlement entered into between the Respondent/Management and the recognised employees federation Indian Bank Employees Union, permanent vacancies in the sub-staff cadre has to be necessarily filled up from among the panel of temporary sub-staff as per the district seniority but the Petitioner was disengaged arbitrarily and as such he was made to lose the opportunity to get a permanent post of sub-staff. The show cause notices dated 20th and 21st July, 1988 is illegal since it was given to Petitioner after his job was terminated. The Petitioner requested the management through his lawyer's notice dated 7-11-88 to reinstate him in his original employment with full back wages and continuity of service. The Zonal Manager gave a reply dated 1-12-88 stating the Petitioner's case was dealt with in accordance with rules of the bank applicable for engagement of temporary employees. The termination of the Petitioner by the Respondent/Management is null and void. The statutory violation committed by the Respondent/Management renders the termination order as unsustainable in law. Hence, the Petitioner is entitled to be reinstated with full back wages and continuity of service. Therefore, it is prayed that this Hon'ble Court may be pleased to allow the petition and pass an award directing the Respondent/Bank to reinstate the Petitioner in service with continuity of service, full wages and all other attendant benefits.

3. The averments in the Counter Statement filed by the II Party/Management Indian Bank, Chennai are briefly as follows:—

As per the Govt. guidelines for recruitment of sub-staff, the bank is having a procedure. Further, the bank is maintaining a panel of temporary sub-staff to be utilised in leave vacancies whenever permanent sub-staff goes on leave. Persons to be empanelled as temporary sub-staff has to comply with certain norms stipulated apart from sponsorship by Employment Exchange. Such empanelled temporary sub-staff are neither borne on the rolls of the bank nor to be treated as permanent sub-staff of the bank. They will be engaged on day-to-day basis depending upon the exigencies that too only in leave vacancies caused by

the absence of permanent sub-staff. The Petitioner was in the panel of temporary sub-staff working in leave vacancies at the Villianoor branch of the bank. He was paid daily wages for the days of engagement. His engagement was on day-to-day basis. He was outside the establishment of the bank and not on the permanent rolls of the bank. It is not correct for the Petitioner to allege that his conduct was unblemished. His conduct towards the staff members of the bank was rude and highly objectionable that too inside the bank's premises. Though for quite sometime, the Manager of the branch and other staff members tolerated his rude behaviour when it became intolerable the Branch Manager concerned was constrained to disengage him on 8-2-88. After he was disengaged on 8-2-88 the Petitioner on 9-3-88 expressed regret for his rude behaviour and apologised individually to all staff members for such rude behaviour. Taking a lenient view the Branch Manager permitted him to report on 10-3-88 to work in leave vacancies. Again he disobeyed and refused to work stating that he would work only if he was assured of engagement for 15 days in a month and threatened the Manager with dire consequences. On 4-4-88 when he was not engaged in leave vacancy he entered the bank's branch premises unauthorisedly at about 4.30 pm and started tampering records and vouches. When he was questioned about it by the Manager, he behaved rudely and threatened that he would beat everybody in the office on their coming out of the bank. The staff members en masse gave a memorandum to the Branch Manager on 5-4-88 to take immediate action against the Petitioner. A Senior Officer of the bank investigated into the matter and submitted a report on 14-4-88. The said report reveals that the behaviour of the Petitioner was indecent. Based on the report, the Zonal Manager, Trichy vide his letter dated 20-7-88 called for an explanation from Sri S. Arokianathan as to why his name should not be removed from the panel of temporary sub-staff for his unruly behaviour. The Petitioner has submitted a reply dated 28-7-88 which was found to be not satisfactory and hence the Zonal Manager, Trichy by communication dated 8-9-88 informed the Petitioner that his name was dropped from the panel. As such, the Petitioner was given reasonable opportunity before being disengaged by the Respondent/Bank. It is denied that the Respondent/Bank had violated the principles of natural justice at any point of time. The Petitioner was given ample opportunity to correct himself. It could be seen that the Petitioner has not set out in his Claim Statement the fact that it was only by letter dated 8.9.88 his name was dropped from the panel but on the other hand, he was alleged that the bank management refused to engage him from 9-2-88 which is false and incorrect. On the ground of suppression of this material fact alone, the claim petition is liable to be dismissed in limini. The Petitioner also has suppressed the fact that he filed a civil suit in the District Munsiff's Court, Pondicherry and the same was dismissed as not maintainable. The Petitioner was engaged as casual employee at intermittent

intervals between 8-8-86 and 8-9-88 in no one year preceding 8-9-88 the Petitioner was engaged for a period exceeding 240 days so as to claim the benefits under the provisions of Industrial Disputes Act. There is no question of the cashier of the branch being inimical to the Petitioner at any point of time. It is also equally not correct that the Branch Manager used to support the cashier and obtained letters of pardon under coercion from the Petitioner. His disengagement was by the order dated 8-9-88 for valid reason after giving reasonable opportunity as adverted to above. The Respondent is a Government of India undertaking and has to adhere to the guidelines and policies issued by Government of India from time to time. All the policies regarding recruitment and placement of persons are based on guidelines and policies of Government of India and also the settlement entered into with the recognised unions. There is no violation of principles of natural justice as falsely alleged in the Claim Statement. Hence the allegations in para 9 of Claim Statement are emphatically denied. The Petitioner was not a permanent employee of the Respondent/Bank but only an empanelled temporary sub-staff. Hence, the question of conducting domestic enquiry or issuing any termination order does not arise in the case of Petitioner. However as a corollary to follow principles of natural justice, the Petitioner was given adequate and reasonable opportunity to explain his case on the reasons for dropping his name from the panel prior to dropping his name from the panel. The allegation of the Petitioner that he was disengaged arbitrarily is incorrect and false and denied. He was found ineligible to be continued in the panel for the reasons stated above. He is not eligible to the benefit of any settlement entered into between the management and the recognised federation. The Petitioner's allegation as to the settlement in para 10 of the Claim Statement is vague and irrelevant and hence denied. His name was dropped from the panel only w.e.f. 8-9-88. The Petitioner is attempting to take unfair advantage by suppressing the material fact namely that his engagement was discontinued on 9-2-88 and on his tendering apology was allowed to be in the panel on and from 9-3-88 and thereafter he misbehaved with the staff members due to which the management was constrained to issue the show cause notice to him and to take further action. The allegation that the Petitioner was terminated from service is denied. His name was removed from the panel of temporary sub-staff engaged to work in leave vacancies and there is no violation of any statutory rule or enactment especially when the Petitioner has no status as the employee of the bank. The Petitioner is not entitled to the relief sought for by him. It is not desirable in the interest of the bank to continue him in the panel because of his repeated rude and misbehaviour with the staff despite opportunity having been given to him to correct himself. For the reasons stated, the Petitioner Sri S. Arokianathan is not entitled to stake his claim and dropping his name from the panel is legal as per the procedure laid down and is valid and justified.

Hence, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry finally, no one has been examined as a witness on the side of the I Party/Workman. One witness has been examined on the side of the II Party/Management as MW 1. Documents filed on either side have been marked by consent of the learned counsel on either side as Ex. W1 to W5 and M1 to M8. The argument advanced by the learned counsel on either side was heard.

5. The Point for my consideration is —

“Whether the action of the management of Indian Bank, Chennai, in dropping the name of Sri S. Arokianathan from the panel of temporary sub-staff and denial of employment is justified and legal? If not, what relief is the disputant concerned entitled to?”

Point :—

This industrial dispute has been raised by the I Party/Workman challenging the action of the II Party/Indian Bank Management, Chennai, by dropping his name from the panel of temporary sub-staff and denying employment to him as unjustified and illegal. Though the Petitioner has filed five documents on his side as Ex. W1 to W5, he has not chosen to examine himself as a witness before this Tribunal for this case and no one has been examined on his side as a witness. On the other hand, the II Party/Management has examined the Personnel Manager of Head Office of Respondent/Bank at Chennai as MW1 apart from filing 8 documents on the side II Party/Management as Ex. M1 to M8. As contended by the Respondent/Management in their Counter Statement MW1 has stated in his evidence that he knew the Petitioner Sri S. Arokianathan who was working as temporary sub-staff at Villanoor branch of the Indian Bank during 1986 to 1988. Ex. W1 is the xerox copy of the communication sent by the Regional Office of Respondent/Bank at Pondicherry dated 7-8-86. By this letter, the Petitioner was informed that he was provisionally selected for temporary sub-staff panel and he will be in the panel of the Villianoor branch. In that letter itself, the Petitioner was informed that the selection for the post of sub-staff (temporary) is purely at temporary basis and the Petitioner will be engaged only in the leave vacancies of permanent sub-staff and that if vacancy arises, he will be absorbed in the services of the bank as per the bank's procedure/guidelines, but it is not guaranteed. He was further informed through that letter that he should report at Indian Bank, Villianoor immediately and he has to ascertain daily from the branch about the work and in case if he do not turn up continuously for a month, his name will be removed from the panel. From this, it is seen that the Petitioner was provisionally selected for the temporary sub-staff panel in the branch of the Respondent/Bank at

Villianoor. The averments in the Claim Statement of the Petitioner that he was appointed as temporary sub-staff in Villianoor branch of the Indian Bank on 8-8-86 by the Regional Manager is not correct, since it is quite contrary to the contents of Ex. W1, the communication sent by the Regional Manager dated 7-8-86 to the Petitioner. It is the specific contention of the Respondent/Management in their Counter Statement that the Petitioner was in the panel of temporary sub-staff working in leave vacancies at the Villianoor branch of the bank and he was paid daily wages for the days he was engaged and that his engagement was on day to day basis and that he was outside the establishment of the bank and not on the permanent rolls of the bank. This has not been disputed by the Petitioner. In the cross examination also, MW1 has stated that Sri S. Arokianathan was paid his wages daily by voucher. It is also his evidence that the Branch Manager of Villianoor has informed the Zonal Office by letter dated 2-6-94 stating that the Petitioner has been engaged as temporary sub-staff for the period from August, 1986 to February, 1988 for a total period of 258 days and the xerox copy of the letter is Ex-W4. The Petitioner has only filed this document Ex. W4 as his exhibit. Though he has mentioned in his Claim Statement that he was working in the Indian Bank from 8-8-86 to 8-2-98, he has not stated about the issuance of the certificate issued by the Manager of Villianoor branch dated 2-6-94 under Ex. W4 stating that the number of days mentioned therein as the days he worked at the bank branch is incorrect and it has been wrongly stated. But a suggestion has been put to that effect to MW1 in cross examination that the Petitioner has been worked more than the days mentioned in Ex. W4 but the certificate has been issued purposely mentioning lesser period in Ex. W4. The said suggestion has been denied by MW1. No document has been filed by the Petitioner also in support of his contention that he worked in the Villianoor branch more than the days that has been mentioned in Ex. W4. In Claim Statement also he has not given the particulars of the days he has worked during the different years from 1986 onwards. From this evidence, it is seen that the Petitioner was engaged by the Villianoor branch of the Respondent/Bank as a person in the panel to work in leave vacancies of the permanent sub-staff and he was paid daily wages. So he was not a permanent sub-staff of the bank. He was engaged on daily wage basis when a permanent sub-staff of the branch goes on leave.

6. It is the contention of the Petitioner in his Claim Statement that on 9-2-88 the Branch Manager of the Indian Bank Villianoor refused to employ him and refused to state any reason and he had also requested the other staff of the Respondent/Bank not to engage the Petitioner for any type of work. It is his further contention that on 8-3-88 he was called to the branch office, Villianoor and the Manager and Accountant obtained pardon letter from him under coercion. The Cashier Mr. Dominique was dictating the terms of that

letter and on the next day, the Branch Manager told him that his name was struck off from the panel and he could not be given employment. It is also his contention that the Branch Manager and other staff members of the Villianoor branch has given a wrong information to the Management about the Petitioner's performance in work and based on that misrepresentation of facts and false information given, the Zonal Manager, Indian Bank gave a show cause notice on 20-7-88 asking the Petitioner as to why his name should not be dropped from the panel. He has also filed the xerox copy of that show cause notice dated 20-7-88 as Ex. W2. In that show cause notice, it is alleged that he had misbehaved with the members of staff in the branch many times and he has not done his duties promptly and that on 4-4-88 when he was not on duty, he was meddling with the records and vouchers of the branch in accounts section without anybody's permission in spite of the objection raised by the Accountant and he misbehaved as mentioned therein. The Petitioner has submitted his reply dated 28-7-88. The xerox copy of the same is Ex. W3. It is also his contention that he came to know that the Regional Manager through his letter dated 6-10-88 has informed the Manager of the Villianoor Branch of Indian Bank that the Petitioner's name has been removed from the panel of temporary sub-staff and the Branch Manager of Pondicherry region should not provide work to the Petitioner. It is his further contention that he was not given any proper termination order and the Respondent/Management has failed to conduct domestic enquiry for the alleged charges of misconduct levelled against him. But the Respondent in their Counter Statement would contend that the Petitioner disobeyed and refused to work stating that he would work only if he was assured of engagement for 15 days in a month and threatened the Manager with dire consequences and that on 4-4-88 when he was not engaged in leave vacancy he entered the bank's branch premises unauthorisedly at about 4.30 p.m. and started tampering records and vouchers and that when he was questioned about it by the Manager, he behaved rudely and threatened that he would beat every body in the office on their coming out of the bank and that the staff members en masse gave a memorandum to the Branch Manager on 5.4.88 to take immediate action against the Petitioner and that the Senior Officer of the bank investigated into the matter and submitted a report on 14.4.88 and based on that report, the Zonal Manager, Trichy by his letter dated 20.7.88 called for an explanation from Sri S. Arokianathan and the Petitioner had submitted his reply dated 28-7-88 and having found his reply not satisfactory, the Zonal Manager, Trichy by his communication dated 8-9-88 informed the Petitioner that his name was dropped from the panel and that the Petitioner was given reasonable opportunity before being disengaged by the Respondent/Bank. It is further alleged that the Petitioner was not a permanent employee of the Respondent/Bank but only a empanelled temporary sub-staff and hence, the question of conducting domestic enquiry or issuing any termination order does not arise in

the case of the Petitioner and that his disengagement was by order dated 8-9-88 for valid reason after giving reasonable opportunity to the Petitioner. MW1 also has given evidence that Ex. M2 is the xerox copy of the letter dated 9-3-88 given by the Petitioner to the Branch Manager of Villianoor branch of Indian Bank. In that letter itself, the Petitioner has stated that he was working as a temporary employee of the bank for the past two years and due to family disturbances, he was not able to discharge his duties properly and hence he could not behave properly with the staff of the branch and he has also apologized for the same. Though it is alleged by the Petitioner in his Claim Statement that one such letter has been obtained from him by coercion by the Accountant and Manager of the branch, he has not let in any evidence worth considering to establish the same. For the suggestion to that effect put to MW1 in the cross examination, he has denied the same and stated that it was not obtained by the Branch Manager and others of the bank under force. MW1 has further stated that the staff members of the Indian Bank Villianoor branch gave a letter dated 5-4-88 to the Manager, Indian Bank Villianoor and the xerox copy of the same is Ex. M3. It is also his evidence that Deputy Chief Officer of Indian Bank, Regional Office, Pondicherry investigated the matter and gave a report dated 14-4-88 to the Regional Manager, Indian Bank, Pondicherry and the xerox copy of the same is Ex. M4 and that the Zonal Manager, Zonal Office, Trichy passed the final order dated 8-9-88 dropping the Petitioner Sri S. Arokianathan from the panel of temporary sub-staff of the Respondent/Bank and the xerox copy of that final order is Ex. M5. MW1's evidence is quite consistent to the plea of the Respondent/Management in their Counter Statement. Ex. M5 has shown to have been sent by registered post with acknowledgment due. Ex. M6 is a xerox copy of the postal acknowledgement sent by Indian Bank, Zonal Office Disciplinary Proceedings Cell, Trichy. It is seen from Ex. M6 that it has been delivered to the addressee Sri S. Arokianathan at the given address. A suggestion has been put to MW1 in the cross examination that the Respondent/Bank has not sent a letter dated 8-9-88 under Ex. M5 to the Petitioner. It has been denied by MW1. According to the evidence of MW1 Ex. M6 is the postal acknowledgement for the receipt of the letter under Ex. W2 by the Petitioner and Ex. M7 is the postal acknowledgement for the receipt of the letter under Ex. M5 by the Petitioner. MW1 has denied the suggestion that the Respondent/Bank has not sent letter dated 8-9-88 under Ex. M5 to the Petitioner and Ex. M7 postal acknowledgement has been cooked up by the management. MW1 also has denied the suggestion that Ex. M4 investigation report is false and that the Petitioner has been disengaged due to personal enmity between him and the cashier of the bank branch.

7. It is evident from Ex. M2 that the Petitioner himself has apologized for his misbehaviour and it is seen from Ex. M3 and M4 the joint representation of the staff members of the bank branch to Branch Manager and the investigation

report given under Ex. M4, after investigating the representation made by the staff members under Ex. M3 show that the Petitioner has misbehaved as alleged in their joint representation in Ex. M3. So, the Petitioner was called for to submit his explanation under Ex. W2 and he has submitted his reply under Ex. W3. Having not satisfied by his reply, the bank management has taken a disciplinary action and passed orders by dropping him from the panel and the same has been passed as an order under Ex. M5 by the Zonal Manager, which was duly communicated to the Petitioner under Ex. M7 postal acknowledgement. Since the Petitioner happened to be an empanelled workman for utilising his services for temporary employment when a permanent sub-staff goes on leave, no domestic enquiry was conducted, which is required to the employee happens to be a permanent employee of the bank. Ex. M8 is the xerox copy of the communication sent by the Deputy General Manager (P) to all the Zonal Managers. It has been spoken to by MW1 as the procedure that has been adopted by bank management for dropping the temporary sub-staff from the panel. In this circular it is stated that the procedure for dropping persons from the temporary panel of sub-staff. It is mentioned in this circular that the persons who were empanelled for engagement in leave vacancies of sub-staff may be dropped from the panel for any of the following reasons : —

- (i) if they are engaged after 1-4-81 without the sponsorship of Employment Exchange;
- (ii) for committing fraud/misbehaviour/long absence.

It is further stated therein that whenever the person has to be removed for the reasons of committing fraud, misbehaviour, long absence, a letter has to be given to the employee setting out the grounds such as fraud/ misbehaviour/ long absence and ask him to explain as to why he should not be dropped from the panel giving him about a week's time and that if the explanation received is not satisfactory/if no explanation is received an order may be given to him stating that he is being dropped from the panel for the reason of fraud/misbehaviour/long absence, as the case may be and he will not be further engaged in the leave vacancies and that after this is done he may be dropped from the panel. From the evidence available in this case, it is seen that the Respondent/Management has followed the prescribed procedure under Ex. M8 for dropping the Petitioner from the panel of temporary sub-staff. It is further stated in the circular itself that if a person has worked more than 240 days in a continuous period of 12 months, he has to be paid notice period salary

and retrenchment compensation in the form of Section 25F of Industrial Disputes Act, 1947. It is not the claim of the Petitioner that the action of the Respondent/Management in disengaging him from service is illegal, since Section 25F of the Industrial Disputes Act, 1947 has not been followed. It is also not his contention that he has worked for the period of 240 days continuously in the preceding 12 months of his disengagement. So, under such circumstances, it cannot be said that the Respondent/Management has passed a termination order against the Petitioner which is unsustainable in law and the Petitioner is entitled to be reinstated with full back wages and continuity of service. The action of the management of Indian Bank, Chennai in dropping the name of Sri S. Arokianathan from the panel of temporary sub-staff and denying him employment for the given reasons and by adopting the procedure mentioned in the circular is justified and legal. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

8. In the result, an Award is passed holding that the I Party/Workman Sri S. Arokianathan is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 7th January, 2003.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined:—

For the I Party/Workman : None

For the II Party/Management : MW1 Sri T. Jayashankar

Documents Exhibited:—

For the I Party/Workman:—

Ex. No.	Date	Description
W1	07-08-86	Xerox copy of the communication regarding the provisional selection.
W2	20-07-88	Of Petitioner for the panel of temporary sub-staff Xerox copy of the letter issued by Zonal Manager to the petitioner calling for explanation.

Ex. No.	Date	Description
W3	28-07-88	Xerox copy of the reply from Petitioner to Zonal Manager.
W4	02-06-94	Xerox copy of the service certificate issued by Zonal Office of Respondent/Bank at Trichy to Petitioner.
W5	16-10-92	Xerox copy of the paper publication given by Respondent/Bank with regard to empanelment of persons.

For the II Party/Management:—

Ex.No.	Date	Description
M1	30-09-78	Xerox copy of the notification issued by Government of India Regarding recruitment of sub-staff in public sector banks.
M2	09-03-88	Xerox copy of the apology letter submitted by Petitioner to Respondent/Bank.
M3	05-04-88	Xerox copy of the complaint given by staff members of Respondent/Bank branch at Villanur to Branch Manager.
M4	14-04-88	Xerox copy of the investigation report submitted by Dy.Chief Officer of Indian Bank Regional Office to Regional Manager, Indian Bank, Pondicherry.
M5	08-09-88	Xerox copy of the letter from Zonal Manager to Petitioner with regard to dropping his name from the panel of temporary sub-staff.
M6	Nil	Xerox copy of the postal acknowledgement card for the letter dated 20-7-88 having sent from Zonal Office to Petitioner.
M7	Nil	Xerox copy of the postal acknowledgement card for the letter dated 08.09.88 having sent from Zonal Office to Petitioner.
M8	25-04-85	Xerox copy of the letter from the Deputy General Manager to All Zonal Managers of Respondent/Bank regarding dropping of Persons from the panel of temporary sub-staff.

नई दिल्ली, 18 फरवरी, 2003

Mumbai, Dated 13th January, 2003

AWARD

The Government of India Ministry of Labour by its Order No. L-12012/116/2000/IR (B-II) dt. 29-9-2000 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act 1947 have referred the following dispute to this Tribunal for adjudication:—

Whether the claim of Shri Deepak D Naik, Peon/ Sub-staff of Mapusa Branch of Union Bank of India that he has worked continuously with the management of Union Bank of India, Goa from 22-11-1996 to 3-8-99 and the management has illegally terminated his service w.e.f. 4-8-1999 is legal and justified? If yes, what relief the workman is entitled for?

2. By statement of Clim (Exhibit-5) workman Shri D.D. Naik pleaded that he was appointed as sub-staff (peon) in the Union Bank of India in a clear vacancy on daily wages of Rs. 40/- from 22-11-96 and that he worked continuously till 3-8-99. It is averred that Naik though worked continuously more than 240 days his services were abruptly terminated without any notice pay and retrenchment compensation under section 25F of the Industrial Disputes Act. According to workman he had made representation to the bank and the Chairman but in vain and that eventually he raised a demand with ALC(C) Goa on 10th August '99 who tried Conciliation but failed. It is the contention of workman that his termination from 4-8-99 being illegal, bank be directed to reinstate him with full back wages.

3. Management Bank resisted the claim of workman by filing Written Statement (Exhibit-8) contending that Naik was never in regular employment of the bank. His services were utilised as and when there was need, he was purely on temporary and casual basis. It is pleaded that the bank being undertaking of Government of India has to follow the policies laid down and the directions given by Government of India from time to time in respect of recruitment, Bank has to notify its requirement to the local employment exchange and in case of subordinate staff the vacancies are identified by Regional Office. It has to follow the roster and the back-log system. Therefore question of appointing workman in clear vacancy is out of question. It is contended workman to seek back door entry in the service of the bank, filed the claim which is untenable. It is pleaded that bank has a permanent employee in subordinate cadre. In the absence of permanent employees for sundry jobs like cleaning, dusting Naiks services were utilised on ad-hoc and on casual basis and that he was paid Rs. 40/- per day whenever he was engaged. Bank denied that workman continuously worked from 22-11-96 till 3-8-99. It is contended since the services of workman no more required his disengage does not amount to retrenchment therefore provisions of Section 25F of the Industrial Disputes Act, are not applicable in his case.

का. आ. 900.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं०-2, मुम्बई के पंचाट (संदर्भ संख्या 2/95 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-02-2003 को प्राप्त हुआ था।

[सं. एल-12012/116/2000-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 900.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/95 of 2000) of the Central Govt. Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India, and their workman, which was received by the Central Government on 07-02-2003.

[No. L-12012/116/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI.

PRESENT

S.N. SAUNDANKAR,

Presiding Officer

REFERENCE NO. CGIT-2/95 OF 2000.

EMPLOYERS IN RELATION TO THE MANAGEMENT OF UNION BANK OF INDIA

The Regional Manager,

Union Bank of India

Regional Office,

3rd Floor, Daulat Bldg.,

18th June, Panji

Goa-403 001

AND

Their Workmen

Shri Deepak D. Naik,

H.No. 339/2, Peacan Coimawaddo,

Quitla, Aldona,

Bardez

Goa-403 508.

Appearances:

For the Employer :

Mr. A.K. Jalisatgi, Advocate.

For the Workmen:

Mr. P.J. Kamat, Advocate.

Consequently reference being devoid of substance, be dismissed with costs in limine.

4. By Rejoinder (Exhibit-10) workman reiterated the recitals in the Statement of Claim denying the averments in the Written Statement

5. On the basis of the pleadings this Tribunal framed issues (Exhibit-11) and in that context workman D.D. Naik filed affidavit in lieu of Examination-in-Chief (Exhibit-19A & B) and affidavit of his brother Anand D. Naik (Ex-22) and closed evidence vide purshis (Exhibit-26). In rebuttal, Mr. Moolgaonkar M.R. (Accountant) working in Panji branch filed affidavit in lieu of Examination in Chief (Exhibit-31) and management closed oral evidence vide purshis (Exhibit-32).

6. Workman filed written submissions (Exhibit-33/35) with copies of rulings and the management (Exhibit-34/37). On perusing the record as a whole, written submissions and hearing the counsels for both sides, I record my findings on the following issues for the reasons mentioned below:—

Issues	Findings
1. Whether it is proved that the workman Shri Deepak D. Naik Peon/Sub Staff of Mapusa Branch of Union Bank of India has completed 240 days of service continuously from 22-11-96 to 3-8-99?	Yes.
2. Whether the action of the management of Union Bank of India in terminating the services of workman Shri Deepak D. Naik from 4-8-99 is legal and justified?	Workman was disengaged as there was no work, therefore action of the management is legal and justified.
3. What relief the workman is entitled to?	As per order below.

Reasons

7. Workman Shri Naik by way of affidavits (exhibit-19A & 19B) stated that he was appointed as peon in clear vacancy w.e.f 22-11-96 on a daily wage of Rs. 40/- and that he continuously worked for more than 240 days in proceedings 12 clalendar months in the bank till 3-8-99. He disclosed that he had actually worked in the bank during 16-7-97 to 31-10-97 however payment of the said period was made by the bank in the name of his brother Mr. Anand Naik however bank obtained documents by force from him on 2-8-99. Admittedly Naik had not recited to the effect that though he worked document was obtained by force on 2-8-99 in the name of his brother. Infact, workman must plead and then question of proving would arise. Since he has not pleaded as above it can safely be said that he disclosed so, after thought and can safely be ignored.

Management withness Mr. Rauji, Accountant of the bank deposed that whenever Naik worked he was paid wages under vouchers which Naik himself admitted in his cross-examination. Workman has filed vouchers with list (Ex-15) and the bank with list (Exhibit-20/21). Mr. Rauji admits on making correct entries on pgs. 36, 58, 61, 64, 65, 66 (Ex-21) which shows workman worked more than 240 days.

8. According to workman he was appointed in a clear vacancy and therefore he is required to be regularised. Management denied the same contending that he was not taken in clear vacancy but was engaged on daily wages as and when his services were utilised. Workman admits that he was taken on daily wages Rs. 40/- and that he was doing work whenever work was available. He was not given wages on holidays. He was not given appointment nor had applied for employment to the bank. His name was not recommended by the Employment Exchange nor he was selected by the Selection Committee of the bank. It is thus clear that workman was engaged as and when work was available as a casual therefore he can safely be said to be not appointed in clear vacancy.

9. According to Mr. Rauji Union Bank of India being a Nationalised bank and as such a Government of India undertaking, has to follow the policies laid down and directions given from time to time in respect of recruitment. He disclosed that bank has to notify requirement to local Employment Exchange and that as per the Reservation policy and the directions, the recruitment has to be made and in that light according to him, workman was not appoined in regular vacancy. At this juncture, the Learned Counsel for Bank Mr. Jalisatgi submits that even though workman completed more than 240 days, since he was a daily wager on temporary basis whenever work available, cannot get Status to be absorbed. He has relied on the decision in Mahatma Phule Agricultural University V/s. Nashik Zilla Sheth Kamgar Union 2001 SCC (L&S) 1180 their Lordships of Supreme Court ruled:

“Even though the workman may be working for a long period of time or more than 240 days would not acquire a permanent status to be absorbed as regular employee as for absorption as regular employee existence of posts is mandatory and if no posts exists then eventhough the workers may have worked for a long period of time they cannot be regularised or made permanent.

Further Their Lordships on pg. 1189 observed:

“By virtue of continuing for 240 days and more labourers in the said case would not acquire the permanent status to be absorbed as regular employees and thereby Section 25 of the I.D. Act would not be affected.”

It is apparent that since Naik was engaged on ad-hoc basis, without giving appointment letter, a daily wager does not get status of a regular employee and in view of the decisions supra, provisions of Section 25 F do not come into play.

10. Workman Naik admits in cross-examination that one Agnello Godinho sub-staff in the bank used to remain absent on duty often as he used to consume alcohol on duty and therefore bank officers used to send him back home. The Learned Counsel Mr. Jalisatgi at this juncture submits that, workman was engaged for the temporary work in view of the said tendency of the regular employee Mr. Agnello Godinho.

11. According to the Learned Counsel Mr. Jalisatgi for the management, only because workman worked on temporary basis as a daily wage who was not sponsored recommended by Employment Exchange trying to get back door entry in the service which practice has been condemned by the Apex Court in Delhi Development Horticulture Employees Union V/s. Dehli Administration, Delhi & Ors. (1992) 4 SCC 9 wherein Their Lordships observed:

“It has become a common practice to ignore the Employment Exchange and the persons registered in the Employment Exchanges, and to employ and get employed directly those who are either not registered with the Employment Exchange or who though registered are lower in the long waiting list in the Employment Register. The courts can take judicial notice of the fact that such employment is sought and given directly for various illegal considerations including money. The employment is given first for temporary periods with technical breaks to circumvent the relevant rules, and is continued for 240 or more days with a view to give the benefit of regularisation knowing the judicial trend that those who have completed 240 days or more days are directed to be automatically regularised. A good deal of illegal employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the Employment Exchange for years. Not all those who gain such back door entry in the employment are in need of the particular jobs. Though already employed elsewhere, they join the jobs for better and secured prospects. That is why most of the cases which come to the courts are of employment in government departments, public undertakings of agencies. Ultimately it is the people who bear the heavy burden of surplus labour.”

Their Lordships of the Supreme Court in Union of India & Ors. V/s. Bishamber Dutt (1996) II Supreme Court Cases 341 in connection with the candidates who intend to seek back door entry observed that:

“The admitted position is that they were receiving the consolidated pay of Rs. 500/- per month which was raised to Rs. 600 per month for working six hours a day. It is not necessary to consider the case whether it is full time or hourly basis or monthly basis. Suffice it to state that they were not appointed to a regular post after selection according to rules; they were appointed as part-time employees dehors the rules. The question, therefore, is

whether they are entitled to the temporary status or regularisation as directed by the Tribunal? It is seen that pursuant to the enquiry whether temporary status should be granted to the parttime employees, directions were issued by the Ministry of Personnel, Public Grievances and Pension dated 12-7-1994 in the Memorandum clause 3, that they are not entitled to such status. Since they are not appointed on regular basis in accordance with rules the direction issued by the Tribunal to regularise the service is obviously illegal. It is then contended by the learned counsel for the respondents that in view of the fact that they were regularly working for a long time they are entitled to regularisation. We do not appreciate the stand taken on behalf of the respondents. Unless they are appointed on regular basis according to rules after consideration of the claims on merits, there is no question of regularisation of the services.”

12. According to Mr. Rauji services of workmen were utilised as and when work was available and it is not the case of workman that inspite of work available he was disengaged and that this disengagement does not amount to retrenchment/termination. Their Lordships of Supreme Court in Himanshu Kumar Vidyarthi & Ors. V/s. State of Bihar and Ors pointed out:

Concept of retrenchment cannot be stretched to such and extent as to cover these employees and further urged that since the daily wage employee does not have right to the post his disengagement does not attract Section 25 F of the Act.

In view of the said ruling the question of retrenchment does not come into play in case of workman Naik. In Executive Engineer (State of Karnataka) V/s. K. Somasetty & Ors. 1997 II CLR 387 Their Lordships observed:

“labour appointed on daily wages has no right to the post”.

In view of the observations of Their Lordships of Supreme Court in the cases referred to above, the submissions of the Learned Counsel Shri Kamat for the workman that since Naik completed more than 240 days is sufficient to regularise his services, and the rulings cited by him in this context with list (Exhibit-33) are no avail to the workman.

13. On going through the record as a whole it is thus clear that workman Naik was engaged on daily wages for temporary purpose and that his status was not permanent though he completed more than 240 days, he does not get right of absorption. Since according to management work was not available hence workman was disengaged, question of his termination does not arise and from this point of view, provisions of Section 25 of the Industrial Disputes Act do not come into play. Therefore the action of the management in disengaging the workman from 4/8/99 is

wholly justified and legal, consequently workman is not entitled to any relief. Issues are answered accordingly and hence the order:

ORDER

The action of the management of disengaging workman Naik from 4-8-99 since no work was available is justified and legal. Consequently workman is not entitled to any reliefs.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 901.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ़ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली के पंचाट (संदर्भ संख्या 53/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-01-2003 को प्राप्त हुआ था।

[सं. एल-12012/128/95-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/96 of the Central Govt. Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda, and their workman, which was received by the Central Government on 24-01-2003.

[No. L-12012/128/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ORDER

An application for corrections of certain clerical mistakes have been moved by Shri R.L. Virmani General Secretary for and on behalf of Bank of Baroda Employees Union on 15-11-2002. It has been alleged that after publication of the award dated 13-9-02 of this Court on 19-9-2002 he found that there are certain typographical errors in the award which have occurred at page 2 line 18, 20 and 22 of page No. 2 of the award as mentioned in paras 2-I, 2-II (a), (b) (c), and at page 7 in line 15 of para 10 of the award as mentioned in para 2(III) of his application dated 15-11-2002 which need to be corrected. Notice was issued

to the management. After receipt of the notice Shri T.C. Gupta appeared on behalf of the management. He was given time to file reply, if any, but ultimately he stated that he did not want to file reply of the application for the said corrections as he does not dispute the alleged clerical errors pointed out in the application.

2. I have heard Shri R.L. Virmani as well as Shri T.C. Gupta, perused the application along with the award and the statement of claim petition filed on behalf of the Union of the workman. After perusal of the award and the statement of claim, I find that the alleged mistakes pointed out in the application for correction of the award are certainly typographical mistakes which need to be corrected in the award for the ends of justice. I, therefore, order to correct the mistakes in the original award as under:—

Firstly, in line 18 of page No. 2 figure 186 should be replaced by figure 386; in line 20 of page No. 2 figures 79 and 79 at two places should be replaced by figures 89 at both the places. Similarly, in line 22 of page No. 2 of the award figures 18 and 190 should be replaced by figures 28 and 119 respectively.

Secondly, at page 7 of the award in line 15 of para 10 of the award the words "Dy. General Manager" should be struck off and word "witness" be written in its place. The alleged errors in the award are corrected accordingly. Award is amended accordingly. Let an amended copy of the award along with copy of this order be sent to the Ministry for publication of the corrigendum or amended award and for necessary action at their end.

dated 8-1-03

B.N. PANDEY, Presiding Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER : SHRI B.N. PANDEY
I.D.NO. 53/96

Shri Bhuvan Chander Singh,

Through General Secretary,

Bank of Baroda Employees Union, 710, Ballimaran,
Chandni Chowk, Delhi. Workman—

VERSUS

General Manager,
Bank of Baroda,
Zonal Office,
Bank of Baroda Building,
-16, Sansad Marg,
New Delhi,

(1) between 19-4-89 to 22-12-89	132 days
(2) between 6-1-90 to 16-6-90	135 days
(3) between 29-6-90 to 28-12-90	119 days
Total	386 days

Management—

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/128/95-I.R. (B-II) dated 22nd March, 1996 has referred the following industrial dispute to this Tribunal for adjudication:-

“Whether the demand of the Bank of Baroda Employees’ Union, Delhi on the management of Bank of Baroda, New Delhi for absorption of Shri Bhuvan Chander Singh as Peon w.e.f. 29.12.1990 is legal and justified? If so, to what relief is the said workman entitled?”

2. In brief the facts as narrated in the statement of claim of the Bank of Baroda Employees Union are that the Government of India examined, in 1990, the problem of temporary employees in the Nationalised Banks and prepared an approach paper which was circulated to all the banks vide letter dated 16-8-90. A copy of the letter is annexure-I to the statement of claim. Accordingly all the banks were directed to follow the provisions of the approach paper specially para 6 (1) of the paper which prohibits banks from recruiting temporary employees. The Government instructed all the Banks to recruit all the temporary workmen who completed 240 days of service in 12 months between 1-1-82 and 31.12.89. The Head Office of Bank of Baroda issued a circular dated 17-8-91 instructing all the branches to invite applications from temporary workman who worked for 90 days or more between 1-1-82 and 31-12-90. A copy of the circular dated 17-8-91 is annexure -II to the statement of claim; that on 13-9-91 the Bank of Baroda Employees Union forwarded applications of 9 workmen including that of Shri Bhuvan Chander Singh (the workman) to the bank for consideration. A copy of it is Annexure-III to the claim statement; that the bank empanelled six out of nine workmen recommended by the Union but the workman Bhuvan Chander was not empanelled. The workman was not empanelled because he was below 18 years of age when he entered bank’s service. He completed 386 days of service as follows:-

In the branch of Bank of Baroda K. G. Marg, Delhi

3. It is further alleged that he completed 18 years of age on 24.6.90. Since the representations made by the Union yielded no results, proceedings for conciliation were set in motion wherein the bank stated that the application of the workman was not received by the Bank within time and the workman also did not fulfil the criteria for eligibility. Ultimately the conciliation proceedings failed. Hence this reference. It has been further alleged that the workman was not employed continuously from the day he entered into service of the bank. There were several breaks in his service. He attained the age of 18 years on 24-6-90. The last spell of service commenced on 29-6-90 therefore he must be deemed to have entered bank’s employment on 29-6-90 and he worked till 28-12-90. Since he worked for brief periods with breaks, it cannot be said that he was appointed as a peon only in 1989. Every time there was a break in his service, therefore, in his case, there is a fresh appointment at each time and his age on the date of last appointment is to be taken; that the bank appointed several persons as apprentice who did not have the prescribed age when they joined the bank. Hence, the denial of employment to the workman alone on the ground that he was not 18 years of age when he joined the bank is discriminatory and violative of article 14 of the constitution; that the bank appointed several persons even in 1991 and subsequent years. Their names are S/Shri Gulab Narain Jaipal, Jai Singh, Raj Kumar and 30 others. The appointment of these persons after rejection of the workman application shows that the bank rejected claim of the workman without any valid reason. Hence, it has been prayed that the bank may be directed to appoint the workman Shri Bhuvan Chander Singh as Peon on regular basis w.e.f. 29-12-90 and to pay arrears of salary and allowances to him w.e.f. 29-12-90.

4. The claim of the workman has been disputed by the bank by way of filing a written statement. It has been inter alia alleged that the order of reference is bad in law as the terms of reference do not fall within the ambit and scope of term ‘Industrial Dispute’ as defined under section 2 (K) 2of the I.D. Act (hereinafter briefly stated as the Act). That the appointment of the workman in bank being irregular and defective, the question of his regularisation in service does not arise and the defects in his appointment cannot be cured. It is not denied that for solving the problem of those persons who had worked for 240 days or more in public sector banks during the period 1-1-82 to 31-12-89 as temporary but could not be substantially employed on account of embargo imposed by the Government on further recruitment of staff in Government offices and public sector

undertakings in order to effect economy. The government took a policy decision as contained in the approach paper which was forwarded to all public sector banks with the directions to implement the said policy decision or guidelines for providing employment to those persons on regular basis as far as possible. It is also not denied that taking a more liberal attitude over the government guidelines the Bank's head office issued in office order dated 17-8-91 to all its branch offices to give effect to the government policy decision. The bank subsequently issued an advertisement in National dailies inviting applications from all those persons who had worked for 90 days or more in any of the office or branches of the bank during the period 1-1-82 to 31-12-90 on temporary basis so that they could be short listed and empanelled for employment in the bank against future vacancies. A copy of the said advertisement is Annexure I to the written statement. It is, however, stated that the workman herein did not apply in response to the bank's above mentioned invitation. Therefore, he is himself responsible for missing the train. The Union's submission in this regard regarding forwarding the workman's application is an after thought and unbelievable. It is also not denied that the bank shortlisted and empanelled all those who being eligible for employment in the bank in sub-staff category and had applied in response to the bank's advertisement. It is also not denied that even after attaining the age of 18 years on 24-6-90 and having worked for more than 90 days during the period 29-6-90 to 28-12-90 as stated by the workman, the workman had acquired the eligibility to apply in response to the bank's advertisement for being shortlisted and empanelled and there was no question for the management not to empanel him. It is denied that the management did not consider employment of the workman on account of his being underage. No hostile discrimination can be attributed on the part of the management towards the workman. It is, however, reiterated that the management gave employment only from amongst the empaneled and eligible persons and that the workman is not entitled to any relief.

5. After amendment in the reference order the management also moved amendment in its written statement.

6. The General Secretary of the Union of the workman filed rejoinder to the written statement reiterating its earlier contentions and refuting contentions of the written statement.

7. Both the parties adduced their documentary as well as oral evidence in support of their claims.

8. I have heard representatives of both the sides, considered their submissions and also perused the file.

9. The bank has admitted in para 8 of the written statement that even after attaining the age of 18 years on

24-6-90 and having worked for more than 90 days during the period 29-6-90 to 28-12-90 as stated by the Union the workman had acquired the eligibility to apply in response to the bank's advertisement for being shortlisted and empanelled and there was no question of the management not empanelling him, but as the workman did not apply in response to the bank's invitation, he could not be empanelled. On the other hand in the statement of claim it has been alleged in its para 3 that on 13-9-91, the Bank of Baroda Employees Union forwarded applications of 9 workmen including that of Shri B.C. Singh (the workman) to the bank for consideration. A copy of the forwarding letter dated 13-9-91 is also attached with the statement of claim as its Annexure III.

10. Therefore, the only issue left for adjudication is whether the union forwarded any application of the present workman as claimed by it seeking absorption in furtherance to the advertisement issued by the bank? In para 2 of his affidavit workman has alleged that "I applied for permanent absorption in the bank in response to the Bank's advertisement. The Bank of Baroda Employees Union, Delhi forwarded my application alongwith the applications of 8 other persons with the letter of the union dated 13-9-91". In his cross-examination he also stated that I had sent my own application in response to the advertisement of the Bank. The name of the workman Bhuvan Chander Singh is appearing at serial No. 2 of the letter dated 13-9-91 alleged to have been sent by the General Secretary of the Employees Union. The witness of the Bank of Baroda Shri B.B. Garg Chief Manager (MW1) stated in his cross-examination that "I cannot tell the dates on which the applications of the 9 workmen were received with forwarding letter Annexure III dated 13-9-91. The application of the workman Bhuvan Chander Singh has been received in the Bank Office but I cannot tell the date on which it was received." Thus it is clear that the application of the present workman was received by the Bank. Admittedly the applications numbering 9 workmen were sent vide letter dated 13-9-91 by the Union and undisputedly out of 9 applicants six applicants only were empanelled and observed in the services of the Bank. It leads to the conclusion that the application of the workman also must have been received by the bank alongwith the application of 8 other workmen. Therefore, the contention of the bank that the workman did not apply in response to the advertisement of the Bank automatically false on the ground and it cannot be accepted.

11. The bank has not disputed the plea of the Union that the six persons were empanelled for absorption. Apart from the empanelment of six persons, several others were also empanelled besides making fresh appointments of 34 persons whose names are given in para 6 of the statement of claim, during the period from January, 1991 to October, 1993. Therefore, it is clear that there were vacancies upto

October, 93 against which recruitments were made directly besides absorbing empanelled candidates in furtherance to the advertisement dated 14.8.91.

12. The Union relied on the judgment passed in the case of General Manager, State Bank of Hyderabad Vs. V. Pamalu, 2000 (1) LLJ 1327 A.P. I. in this case also the approach paper of the Government for absorption of temporary employees who had worked for 90 days or more was involved. It would be appropriate to extract the findings of the Hon'ble High Court as under :—

“ A beneficial scheme has to be interpreted so as to make it in time with the object for which the scheme is formulated. In our view the scheme which is one time opportunity for regularisation to all the employees is also made with the purpose of conferring the benefits under chapter V-A of I.D. Act, 1947. Section 25-H of the Act appearing in Chapter V-A of the Act confers a preferential rights on all the retrenched employees of the employer to be regularised is taken up.....we are of the opinion that whenever a beneficial legislation or beneficial scheme is to be interpreted by the courts, the object behind such statutory or non-statutory instrument or the Act has to be ascertained. Then it is to be seen what is the directive principle which is sought to be achieved or implemented by the enacting authority, rule making authority or scheme formulating authority. Such a reading of the provisions with the relevant directive principles would lead to correct and justifiable conclusion..... We record the finding that the petitioner worked for more than 90 days prior to January 11, 1982. The scheme does not prohibit regularisation/ absorption of the petitioner in any post in subordinate cadre .”

13. In view of the above discussions, I find no justification as to why the workman Bhuvan Chander Singh was not empanelled and absorbed by the Bank in service alongwith others. Therefore, I hold that the demand of the Bank of Baroda Employees Union Delhi on the Management of Bank of Baroda, New Delhi for absorption of the workman Shri Bhuvan Chander Singh as Peon is legal and justified, and the workman Shri Bhuvan Chander Singh is entitled to the relief of absorption and its consequential benefits as were given to other absorbed employees.

14. The question now remains is as to from what date the workman is to be absorbed? It is evident from the above findings that the vacancies were filled upto October, 1993 by absorption. Therefore, the workman is also entitled to absorption from October, 1993 notionally but he will be entitled to monetary benefits only from the date of his joining service on receipt of formal letter/order of the management of the bank for the same or w.e.f. 16-12-2002 whichever is earlier. The Management is allowed two

months time to comply with this award/order and issue a formal order to the workman absorbing him in the service and directing him to join the service. Parties shall bear their own expenses of this case. Award is given accordingly.

Dt. 13-9-2002.

B.N. PANDEY, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 902.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली के पंचाट (संदर्भ संख्या 31/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-2003 को प्राप्त हुआ था।

[सं. एल-12012/206/2001-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 902.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2002) of the Central Govt. Industrial Tribunal-cum-Labour, Court, New Delhi as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 31-1-2003.

[No. L-12012/206/2001-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL : NEW DELHI

PRESIDING OFFICER: SHRI B. N. PANDEY
I.D.No. 31/02

Shri Mahender Singh S/o Sh. Mangal Singh
Ex-Driver, R/o Shiv Nagar,
Johri Road Jakhan,
Dehradun-248001

Workman

Versus

The Chief Manager,
Union Bank of India,
Dehradun Branch,
19-B, Rajpur Road,
Dehradun-248001

Management

AWARD

The Central Government in the Ministry of Labour vide its order No. L-12012/206/2001/IR (B-II) dated 22-4-2002 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Union Bank of India in terminating the services of Shri Mahender Singh S/o Shri Mangal Singh, Ex-Driver w.e.f. 11-5-97 is justified. If not, for what relief he is entitled to ?”

2. Fresh reference was received on 13-5-02 and notice was issued for 30-7-02 for filing statement of claim. Since 30-7-02 till today four adjournments have been given for filing of claim by the workman but none appeared for the workman and Shri Atul Gupta A/R appeared for the management. Claim statement not filed despite several opportunity. Hence No Dispute Award is passed in this case leaving the parties to bear their own costs.

Dt. 28-1-03.

B. N. PANDEY, Presiding Officer.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 903.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/10 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-1-2003 को प्राप्त हुआ था।

[सं. एल-12012/236/99-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 903.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/10 of 2000) of the Central Govt. Industrial Tribunal-cum-LC, No. 2, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 27-1-2003.

[No. L-12012/236/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI.

PRESENT

S.N. SAUNDANKAR,

PRESIDING OFFICER

REFERENCE NO. CGIT-2/10 of 2000.

EMPLOYERS IN RELATION TO THE MANAGEMENT OF DENA BANK

Dena Bank,
The Asstt. Gen. Manager (P),
DB, 9th Floor, Maker Towers,
'E' Wing, P. B. No. 6058,
Cuffe Parade,
Mumbai-400005

AND

THEIR WORKMAN

Shri Jilledar Singh,
Room No. 3, Verma Compound,
Prakash Nagar, Lake Road,
Tulsipada Bhandup (W),
MUMBAI-400078

Appearances :

For the Employer : Ms. Nandini Menon, Advocate.

For the Workman : Mr. M. B. Anchan, Advocate.

Mumbai, Dated 9th December, 2002

Award

The Government of India Ministry of Labour by its Order No. L-12012/236/99/IR (B-II) dtd. 14-01-2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act 1947 have referred the following dispute to this Tribunal for adjudication :

Whether the action of the management of Dena Bank Mumbai by pre-maturity retiring the workman Shri Jilledar Singh from the services of the Bank is lawful ? If not, then what relief the workman is entitled to ?

2. Workman Shri Singh was employed initially in Devkaran Nanjee Banking Co. Ltd. Bombay on 23rd March, 1961 which was later on taken over by the Government of

India and he continued to be in the service after nationalisation in the Dena Bank. By Statement of Claim (Exhibit-7) workman pleaded that his date of birth is 15th July, 1945 and that at the time of his appointment as there was no requirement of producing any documentary proof regarding his date of birth and even after nationalisation and in the year 1975 only when vacancies for clerical cadre arose in the bank, the employees of the bank were informed that those who were working in subordinate category but possessing qualification of clerk can apply and that since he was eligible, he made an application for considering him to the post of clerk with the relevant documents and averred that at that time he had produced School Leaving Certificate issued by the Board of High School and Intermediate Education, Uttar Pradesh. He was allowed to appear for the test and that he was promoted as a clerk. It is pleaded that in the year 1993 he had made an application for promotion to the post of Junior Management Grade-I, however he could not appear for the said examination due to illness and had opted for pension in 1994 and that in the said pension form he had shown his date of birth 15-7-45. It is pleaded that when workman was working as clerk at Narsinatha Bazar, Branch Manager asked him to produce proof of his date of birth as there was some mistake in the entry of his date of birth in the register and that he told him that his date of birth was shown as 4-7-35 instead 15-7-45, and that time, it is averred, workman produced the said School Leaving Certificate mentioning his date of birth 15-7-45, in the year 1995 and that the Branch Manager forwarded those documents to the Regional Manager City Branch for necessary action. It is averred by the workman that, Bank had not taken any objection on his date of birth as 15-7-45. He averred that in 1998 there were vacancies of Junior Management Cadre which he had applied mentioning his qualification and date of birth as above and that he was allowed to appear in the said examination conducted in 1998 which he could not pass and that in the month of June '98 the Seniority list of clerks in the bank was published showing him at Serial No. 67 for the purpose of inviting application for the post of computer operators and that he had passed that examination and was working as computer operator at the Industrial Finance Branch, on 29-9-98. It is pleaded that the bank directed the workman on 29-9-98 to stop performing his duties, without any notice and that he was served with letter dtd. 29-9-98 which he had received on 5-10-98 mentioning therein that his date of birth was 4-7-35 and not 15-7-45 and he was superannuated, hence he was relieved from the service of the bank from 30-9-98. It is contended that the bank wrongly stated his date of birth 4-7-35 despite the fact that as per the record of the bank his date of birth was 15-7-45. Consequently workman contended the action of the management to retire him on the basis of the birth date 4-7-35 is unlawful and therefore bank be directed to reinstate him with full back wages and continuity of service till his normal retirement.

3. Management Dena Bank resisted the claim of workman by filing Written Statement (Exhibit-8) contending that when the workman was appointed as watchman w.e.f. 23-4-61 had given his date of birth under his own signature and declared his age as 25 years and date of birth 4-7-35 and since then this service record of the workman was not challenged and that he was to retire on attaining the age of superannuation on 31st July, 1995. However in May '95 the workman submitted an application to the Branch Manager, Kharek Bazar Branch of the Bank at Bombay with affidavit dtd. 10-5-95 stating his date of birth 15-7-45 and not 4-7-35 and consequently he be allowed to serve with the bank for another 10 years, submitting matriculation certificate dtd. 30-12-58 alongwith the said affidavit and that he was wrongly allowed to continue beyond 31st July '95 and noticing the same, the bank issued him notice dtd. 28-9-98 relieving the workman from the service of the bank w.e.f. 30-9-98 mentioning in the said letter the workmans date of birth in the bank record, 4th July 1935. It is pleaded workman suo motu by application dtd. 13-5-95 alongwith the affidavit requested change on date of birth in the record which was rejected as it was on the flag end of his career and in contravention to the bank's policies. It is averred the workman has retired on superannuation on the basis of the record and therefore the workman's claim being devoid of substance, to be dismissed in limine.

4. By Rejoinder (Exhibit-9) workman reiterated the recitals in the Statement of Claim denying the averments in the Written Statement. According to him the bank had recorded his date of birth 15-7-45 and consequently he should have been retired on superannuation on 31-7-05 and in that context his claim needs to be considered.

5. On the basis of the pleading issues were framed at Exhibit-11. Workman Singh filed affidavit in lieu of Examination-in-Chief (Exhibit-14) and closed oral evidence (Exhibit-15). In rebuttal Chief Manager of the Bank Mr. Marandi filed affidavit in lieu of Examination-in-Chief (Exhibit-16) and management closed oral evidence (Exhibit-19).

6. Workman filed written submissions (Exhibit-20) and the management (Exhibit-22) alongwith copies of rulings (Exhibit-23/24). On perusing the record as a whole, written submissions and hearing the counsels at length, I record my findings on the following issues for the reasons stated below :—

Issues	Findings
1. Whether the workman Shri Jilledar Singh proves that his correct date of birth is 15-7-45 and not 4-7-35 as recorded in the bank record ?	No.

- | | |
|--|---------------------|
| 2. Whether the action of the management of Dena Bank, Mumbai by prematurely retiring the workman Sh. Jilledar Singh from the service of the bank is legal and proper ? | Yes |
| 3. If not, what relief the workman is entitled to ? | As per order below. |

REASONS

7. It is the admitted position that workman Singh was employed in the service of the bank on 23-3-61. According to Bank that time by the Biodata form/application he had pointed out his age 25 years and date of birth 4-7-35 which is the record of the bank and that this record cannot be changed at the fag end of his career. Now the crucial point is whether the workman while entering in the service had given the information as above to the bank which formed part of the record.

8. Admissions of the adversary is the best evidence. By cross-examination para 13 workman admits that form pg. 2/Ex-10 was given by him in the bank for service which bears his signature. This form clearly mentions his date of birth 4-7-35 and age 25 years. According to bank this is the bank's record and on this strength he should have been retired on 31-7-95 on completion of 60 years of age. However wrongly he continued to be in service which was noticed on 28-9-98 and therefore he was retired from the service w.e.f. 30-9-98 by the letter dtd. 28-9-98.

9. Chief Manager, Mr. Marandi in his evidence admits that workman was promoted and that the bank had referred workman's date of birth 15/7/45 vide documents pg. 4, 9, 19, 20, 21, 22 (Exhibit-12). workman's LIC policy pg 15 also mentions the said date of birth. The School Leaving Certificate issued by the Board of High School and Intermediate Education, Uttar Pradesh also mentions the date as disclosed by workman. On perusal of the documents question crops on whether workman joined the bank's services when he was under-age. He admittedly joined the service on 23-3-61 and that according to workman his date of birth is 15-7-45. That means he passed intermediate examination at the age of 13 years thereby at the age of two years, he was in the first standard which is highly impossible and illogical. If according to workman, since he was possessing qualification of clerk had applied in 1975 for that post from the subordinate cadre, in normal course he would have filed if really possesses School Leaving Certificate of the year 1958 referred at page 14/ Exhibit-12 in the year 1975 only. However it appears for the first time in the year 1995 remembering date of birth 15/7/45 he moved the bank bringing the document which does not inspire confidence.

10. Since according to workman himself he had given form pg 2/Exhibit-10 in his own signature to the bank for service and that this form clearly mentions his date of birth 4-7-35 hardly lie in his mouth that his date of birth is 15-7-45 and not 4-7-35. On this back ground workman's claim appear to be an after thought and totally illogical, the tribunal being creature of social statute cannot lost sight considering the glaring position as above. When as per the form according to the workman his date of birth 4-7-35 he was well aware that as per the Bipartite Settlement the age of superannuation is 60 years, after completion of 60 years he would retire in the year 1995, there is no necessity to give him notice, however it appears he tried to take advantage of the error committed by the bank officials, which he cannot and should not take.

11. The Learned Counsel for the workman Mr. Anchan submits that this Tribunal by the Award No. 63 of 1999 and 65 of 1999 of which copies enclosed in the matter of Dena Bank in the case of date of birth held action of the management bank not justified, and that the facts of the present case are similar to the facts in those cases. On perusal of the Award referred to above it is seen the workman there in viz. S.I. Tiwari and C.R. Tiwari had specifically denied on giving any application/form of Bio-data mentioning date of birth. However in the case in hand workman himself admits on giving form/Bio-data clearly mentioning therein his date of birth 4-7-35. Therefore facts cannot be said to be similar and consequently those Awards are not avail to workman.

12. Management Bank no doubt referred workman's date of birth 15-7-45 vide letters filed with list (Exhibit-12). According to Mr. Marandi workman was continued in service after 1995 wrongly and that fault lies with the bank officials which benefit workman cannot take. Err. is human nature, intentional err cannot be tolerated. In the case in hand workman was continued till 1998 although completed 60 years of age and consequently to retire on 31-7-95 is a grave error and that the concerned errant bank officials cannot be made free looking to the position in the delicate industry like bank of which foundation is faith and public money is involved.

13. On going through the record as a whole it is thus clear that date of birth of workman is 4-7-35 as per bank record i.e. from the form given by him. Consequently banks action though hopelessly delayed on retiring the workman after completion of his age of 60 years is fully legal and proper. Consequently workman claim being devoid of substance deserves to be dismissed. Issues are therefore answered accordingly and hence the order :—

ORDER

The action of the management of Dena Bank Mumbai in retiring workman Shri Jilledar Singh after completion of

60 years of age from the service of the bank is legal and justified.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 904.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 1/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/262/94-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S. O. 904.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/95) of the Industrial Tribunal Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 7-2-2003.

[No. L-12012/262/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE SMT. N. I. SHELAT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, (CENTRAL) AT
AHMEDABAD**

Ref. (ITC) No. 1 of 1995.

Adjudication

Between

The Manger,
Dena Bank, Dholera,
Tal. Dhandhuka, Ahmedabad. ...First Party

Vs.

Shri Sahadevsinh Lallubha Vaghela,
at. & P.O. Dholera, Tal. Dhandhuka,
District Ahmedabad. ...Second party

In the matter of termination of service of Shri Sahadevsinh Lallubha Vaghela, Part-time Sweeper/Part-time Cleaner of Dena Bank, Dholera with effect from 26-3-94.

Appearances :

Shri J.M. Patel, learned advocate for the first party
Shri G.K. Rathod, learned advocate for the second party workman.

AWARD

The above mentioned industrial dispute between Dena Bank, Ahmedabad and the workman Shri Sahadevsinh Lallubha, Vaghela has been referred for adjudication under Section 10(1) (d) of the Industrial Disputes Act, 1947 by the Desk Officer, Government of India, Ministry of Labour, New Delhi's Order No. L-12012/262/94-IR(B-II) dated 19th January, 1995 to the Industrial Tribunal, Ahmedabad. Thereafter under an appropriate order it has been transferred to this Tribunal for proper adjudication.

2. The dispute pertains to the demand regarding termination of one Shri Sahadevsinh Lallubha Vaghela, Part-time Sweeper/Part-time Cleaner w.e.f. 26-3-94 of Dena Bank, Ahmedabad Dholera as is mentioned in the schedule to the order of reference.

3. The exact terms of reference is as under :

"Whether the action of the management of Dena Bank Ahmedabad/Dholera in terminating/discontinuing the services of Shri S.L. Vaghela, Part-time Sweeper/Part-time Cleaner w.e.f. 26-3-94 is legal and justified? If not, what relief is the said workman entitled to."

4. The second party workman has filed his statement of claim vide Ex. 5 and has stated that he was working with the first party bank at Dholera Branch as a sepoy from 1984 to 1994 on different dates on full time basis and that he falls in the definition of 'workman' that he has worked for 441 days as a full time badli sepoy and that during that period he has also worked as a part-time cleaner for two hours for 2286 days during the period from 1987 to 1994; that he was not given any break during the period; that he was working in place of Shri Lallubha G. Chudasama as a part-time cleaner; that he was not given any memo or charge-sheet during his tenure with the first party bank; that his work was satisfactory; that his services were terminated illegally from 27-3-1994; that he was appointed as a part-time cleaner by the Regional Manager; that his services were terminated by an oral order, that he has worked for 240 days in the preceding year before his services were terminated by the first party bank; that he has worked continuously as a part time cleaner from 21-12-1987 to 27-3-1994; that he has not been given any notice or retrenchment compensation at

the time of termination of his services by the first party bank and therefore the order of termination is illegal.

The second party workman's has further submitted in his statement of claim that in spite of the fact that he has worked a part time cleaner and badli sepy, his name has not been taken up in the approved panel, who has worked for lesser period than him and that the action of the first party bank is arbitrary and with malafide intention; that after his services were terminated, one Bhailal Jivabhai Boriya has been appointed as a full time cleaner and sepy; that Shri Boriya is junior to him; that he has worked for more days and for more period as a part-time cleaner and badli sepy than Shri Boriya; that his name was not in the approved panel; he was not given appointment intentionally; that seniority list has not been declared and therefore also his termination order is required to be set aside; that the list of approved panel was declared on 6-4-1991 after his services were terminated. The second party workman has prayed that it should be declared that his termination order is illegal and with malafide intention and therefore null and void; that the first party bank be directed to place his name in the approved panel of badli sepy from the back date and that the first party be directed to appoint him as a full time cleaner/sepy and that he should be reinstated on the original post with continuous services and with full back wages.

5. The first party bank has contested the present reference and has filed written statement vide Ex. 7 inter alia denying various contentions raised by the second party workman and has submitted that the first party is a nationalised bank under the Banking Companies Acquisition and Transfer of Undertakings Act, 1970, having its head office at Bombay and that there are more than 1000 branches spread all over in the entire country and one of its branches, 15 at Dholera, where the second party workman Shri S.L. Vaghela worked, intermittently and purely on part-time basis and that his designation was of 'part-time sweeper/Cleaner'. The services of all classes of categories of personnel are governed under the various Regulations/Services Norms i.e. from Highest Executive post to the lowest cadre of part-time category; that the work of cleaning/sweeping was taken from second party workman under the provisions of Bi-partite settlement and as per the norms of first party Dena Bank, prescribed from time to time; that not only in Dena Bank as a whole but in other Nationalised Banks, such type of work is being taken pursuant to Bipartite Settlement/Norms and this category does not fall within the ambit of "Industrial Law" i.e. Industrial Disputes Act or such other law; that this Tribunal has no jurisdiction to entertain and try this reference and therefore it is required to be rejected summarily.

The first party bank has further submitted in its written statement that no regular appointment letter had

been issued to the second party workman that the Second party workman was knowing fully well and had readily and willingly accused the work of part-time cleaner and also knowing fully well that his duty hours and remuneration etc. are not at par with the regular subordinate employees and his engagement as part-time cleaner and his duties etc. are governed under the special provision as laid down in the Bi-partite settlement and as per norms of the first party bank applicable to such category of persons; that the second party workman had never raised such dispute and/or claim in the past either through his representatives or of his own except the claim raised in the present reference.

The first party has further submitted in his written statement Ex. 7 that the second party workman Shri Vaghela was engaged as a part-time cleaners in one of its branch at Dholera which is under the administrative control of Ahmedabad Regional office. The second party workman was being laid communications as per the provisions of the Bi-partite settlement and norms of the bank; that the second party workman Shri Vaghela was engaged as a cleaner to do cleaning/sweeping work of Dholera branch from October, 1989 to work less than six hours in a week on consolidated remuneration in terms of provisions of the Bi-partite settlement. The carpet area of Dholera Branch to be cleaned every day is 364 sq. ft.; that Shri Vaghela was not engaged as a part-time cleaner on scale wages; that he was not a regular employee of the first party bank and therefore his case does not fall under the category of permanent part-time cleaner; that in terms of guidelines/norms of the first party bank, the first party bank prepared waiting list of badli sepy, which is prepared on the basis of candidates interviewed from the list sponsored by Employment Exchange; that the name of Shri Vaghela had not been sponsored by Employment Exchange; that he was not fulfilling the criteria and recruitment norms of regular employee in the cadre of part-time cleaner; that therefore the second party workman was not on the approved panel of the first party bank for this category; that the second party workman Shri Vaghela had worked as a part-time cleaner and that he has not worked for more than 240 days continuously within 12 months during his entire working tenure; that as admitted by the second party workman in the statement of claim he had worked as a part time cleaner for fixed hours. The first party has prayed that second party workman is not entitled to any of the relief prayed for by him and the present reference may be rejected.

6. Shri Sahadevbhai Lalubhai Waghela has examined himself vide Ex. 11 and reiterated the facts stated in his statement of claim Ex. 5. He has stated in his examination in chief that he is unemployed; that he tried for an employment, but he has not got any job.

Shri Sahadevbhai Lalubhai Waghela has been cross examined on 28-7-97 and he has stated in his cross

examination on oath that he was working with the First party—Bank from 12-12-84 till 24-3-94 continuously as a part time cleaner and that he was working for 2 hours every day; that his name was not on muster roll; that he was being paid on voucher; that his demand is that instead of Rs. 175/- he should be paid Rs. 768/-.

7. The Second party workman has closed his evidence vide Ex 12 on 28-7-97.

8. One Shri G.G. Shrivastav was examined by the First party Bank vide Ex. 13 on 16-10-1997. For some reason, the chief examination was not completed and thereafter, Shri G.G. Shrivastav did not remain present before this Tribunal. Thereafter, one Shri Pankajbhai Sugadprasad Patel was examined by the First party vide Ex. 20 on 21-7-98. Shri Pankajbhai Sugadprasad Patel has reiterated the facts stated in the Written statement by the First party Bank at Ex. 7 in his examination in chief.

Shri Pankajbhai Sugadprasad Patel was cross examined on 1-12-98 and he has stated in his cross examination that he was working as a Manager with the First party bank and at that time the Second party workman Shri Waghela was working as a Sweeper; that the Second party was relieved from his services as per instructions of the Head office.

9. The First party bank has examined another witness Shri Ajaikumar Anandrai vide Ex. 41 on 15-7-99. Shri Ajaikumar Anandrai has reiterated the facts stated in the written statement Ex. 7 in his examination in chief. Shri Ajaikumar Anandrai was cross examined and he has stated in his cross examination that he is working in the regional office at Ahmedabad and that record is required to be seen in order to point out actual facts regarding the Second party workman, Shri Waghela.

10. The First party-Bank has closed evidence vide Ex. 42 on 15-7-99

11. I have gone through records and papers of the case and I have considered arguments of both the parties and find that it is not in dispute before this Tribunal that the Second party workman has worked as part time cleaner for 2286 days in 7 years during the period from 1987—1994. It is also not in dispute before this Tribunal that the Second party workman has completed 240 days during those 7 years' period and that he was worked as part time cleaner. It is the case of the First party bank that since the name of the concerned-workman did not come through the Employment Exchange, he would not be appointed on

permanent vacancy as per their rules and regulations. From the record, it is found that the Second party workman was not appointed on regular post by the First party bank. From the evidence on record, there is nothing to show that the concerned workman's termination is illegal or that he is entitled to permanent status or regularisation of his service and that there is also nothing on record to show that the Second party workman is entitled to be reemployed. The Second party workman has failed to prove that he was a permanent employee of the First party bank and that the First party bank has indulged into unfair labour practice. I, therefore come to the conclusion that the action of the management of Dena Bank, Ahmedabad, Dholera in terminating/discontinuing the service of S.L. Vaghela, Part time Sweeper/Part time Cleaner w.e.f. 26-3-94 is legal and justified and that S.L. Vaghela, the Second party workman is not entitled to any relief.

In order to draw above conclusion, I have placed my reliance upon the principles laid down by the Apex Court in Special Leave Petition (C) No. 7957 of 1996 CC-6908/96 (from the judgment and order dtd. 1-7-1996 of the Patna High Court in L.P.A. No. 1231, of 1995) between Himanshu Kumar Vidharthi & Ors. V. State of Bihar & Ors. Reported in 1997, II CLR 15. It was held in that judgement "that Petitioners are temporary daily wage employees; that they were not appointed to the post in accordance with the rules and that as such their disengagement from service can not be construed to be 'retrenchment' nor can the same be described as arbitrary." In the present case before this Tribunal, the Second party workman, Shri S.L. Waghela was not appointed as Part time Sweeper/Part time Cleaner in accordance with the rule of the First party bank and, therefore, his disengagement from service can not be construed to be 'retrenchment' nor the same can be described as 'arbitrary'. In this view of the matter and under the facts and circumstances of the case, I pass following order :—

ORDER

The action of the management of Dena Bank, Ahmedabad/Dholera in terminating/discontinuing the services of Shri S.L. Waghela, Part time Sweeper/Part time Cleaner with effect from 26-3-94 is legal and justified. Shri S.L. Waghela is not entitled to any relief. No order as to costs.

Ahmedabad, 31 January, 2003.

N. J. SHELAT, Presiding officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 905.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 24/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/308/89-डी. II(ए)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 18th February, 2003

S.O. 905.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/90) of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 7-2-2003.

[No. L-12012/308/89-D-II (A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE SMT. N. J. SHELAT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, (CENTRAL) AT
AHMEDABAD**

Ref. (ITC) No. 24 of 1990.

Adjudication

Between

The Manager,
Central Bank of India,
Porbander Branch,
M.G. Road, Porbander.
Jamnagar

... First Party

Vs.

Shri Pravin B. Bamanian,
Kolivad, Porbander,
Junagadh District

... Second Party

In the matter of termination of services of Shri Pravin B. Bamanian, peon working with the first party bank.

Appearances : Shri P.S. Chari, learned, advocate, for the first party.

Shri R.C. Pathak, learned advocate, for the second party.

AWARD

The above-mentioned industrial dispute between first party bank and Shri Pravin B. Bamanian has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 to the Industrial Tribunal at Ahmedabad by the Desk Officer, Government of India, Ministry of Labour, New Delhi's Order No. L-12012/308/89-

D-2-A Dated 26th July, 1996. Thereafter under a subsequent order it has been transferred to this Tribunal for proper adjudication.

The dispute pertains to the termination of services of Shri Pravin B. Bamanian, peon working with the first party bank as is mentioned in the order of reference.

2. The exact terms of reference is as under:—

“Whether the action of the management of Central Bank of India in terminating the services of Shri Pravin B. Bamanian, peon is justified? If not, to what relief is the workman entitled?”

3. The second party workman has filed his statement of claim vide Ex. 5 inter alia stating that he was working with the first party bank for the past 7 years in their Porbander branch as a peon; that he has worked in the Porbander branch from 26-1-1982 to 17-5-1988 as a peon; that his services were terminated from 17-5-1998; that in the year 1986 he has completed 126 days service as a temporary peon; that he has worked for 342 days during the period of 7 years; that the first party bank has employed new persons after his services were terminated; that he was not made permanent by the first party; that the action of the first party is not legal and proper and therefore he should be reinstated on his original post with full back wages and continuity of service.

4. The first party bank has contested the present reference and has filed their reply Ex. 7 inter alia denying various contentions raised by the second party workman and have submitted that second party workman was given purely temporary appointment; that the first party has not committed any illegality; that the recruitments were made as per the policy of the bank; that the employment exchange had not sponsored the name of second party workman. The first party bank has prayed that the demand of the second party workman may please be rejected and the reference be dismissed.

5. The second party workman Shri Pravinbhai B. Bamanian was examined on Oath vide Ex. 16 on 15-12-1998. Shri Pravinbhai B. Bamanian reiterated the facts stated in his statement of claim in his examination in chief. Shri Pravinbhai B. Bamanian was cross-examined by the learned advocate of the first party bank. Shri Pravinbhai B. Bamanian has stated in his cross-examination on oath that as his name was not sponsored by the Employment Exchange, he was not called for interview.

The second party workman has closed his evidence vide Ex. 19 on 23-3-1999.

6. First Party Bank has examined one Shri Chandrakishore Natverlal Mathera in support of his case vide Ex. 20 on 8-7-1999. Shri Chandrakishore Natverlal Mathera has reiterated the facts stated in written statement Ex. 7 in his examination-in-chief.

Shri Chandrakishore Natverlal Mathera was cross-examined by the learned representative of second party workman and he has stated on oath in his cross-examination that he was working as a Manager in the first

party bank at Porbander and that he knows second party workman. He has further stated in his cross-examination that when subordinate staff are on leave, casual workers are employed on temporary basis; that as the name of the second party workman was not sponsored by Employment Exchange, he was not selected for the post of peon.

7. The first party bank has closed their evidence vide Ex. 23 on 7-9-1999.

8. I have gone through records and papers of the case and have considered arguments of both the parties and find that the second party workman has admitted in his statement of claim that he has worked for 342 days during the period of 7 years from January, 1982 to 17-5-1988. He has further admitted in his statement of claim that in the year 1986, he has completed 126 days service and that he was working with the first party bank as a temporary peon. It is the case of the first party bank that they were employing peons when the permanent peons were on leave on purely temporary basis; and that the second party workman was also working with the first party bank on a purely temporary basis from time to time when permanent peons were on leave. It is also the case of the first party bank that as the name of the second party workman was not sponsored by Employment Exchange, he was not appointed on a permanent post; that the Bipartite Settlement does not provide for automatic absorption of second party workman as a permanent employee; that "as admitted by the second party workman himself, he was working as a peon from the year 1982 to 17-5-1988 on a purely temporary and adhoc basis from time to time intermittently; that the persons were appointed on a permanent basis as per the norms and policies of the bank.

It is crystal clear from the records of this case that the second party workman has not completed 240 days of continuous service as contemplated under the Industrial Disputes Act, 1947 and that he was working with the first party bank on a purely temporary and adhoc basis from time to time intermittently. It is also crystal clear that he was not appointed on a regular permanent post by the first party bank. From the evidence on record, there is nothing to show that the workman's termination is illegal or that he is entitled to permanent status or regularisation of his service and there is also nothing on the record to show that the second party workman is entitled to be re-employed. I, therefore, come to the conclusion that action of the management of Central Bank of India, Jamnagar in terminating the services of Shri Pravin B. Bamanian is justified and that Shri Pravin B. Bamanian is not entitled to any relief. In order to draw the above conclusion, I have placed my reliance upon the principles laid down by the Apex Court in Special Leave Petition (C) No. 7957 of 1996 CC-6908/96 (from the Judgement and Order dated 1-7-1996 of the Patna High Court in L.P.A. No 1231 of 1995) between Himanshu Kumar Vidyarthi & Ors. Vs. State of Bihar & Ors. Reported in 1997 II CLR, 15. It was held in that judgement that "Petitioners are temporary daily wage employees, that they were not appointed to the posts in accordance with the rules and that as such their

disengagement from service cannot be construed to be 'retrenchment' nor can the same be described as arbitrary". In the present case before this Tribunal, the Second party-workman Shri Pravin B. Bamanian was not appointed as a Peon in accordance with the rules of the First party Bank and, therefore, his disengagement from service can not be construed to be 'retrenchment' nor can the same be described as arbitrary. In this view of the matter and under the facts and circumstances, I pass following order :—

ORDER

The action of the management of Central Bank of India in terminating the services of Shri Pravin B. Bamanian, Peon is justified. Shri Pravin B. Bamanian is not entitled to any relief. No order as to cost under the facts and circumstances of the case.

N. J. SHELAT, Presiding Officer.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 906.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बेंगलूर के पंचाट (संदर्भ संख्या 31/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/418/88-डी. II(ए)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 906.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/89) of the Central Govt. Industrial Tribunal-cum-LC, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 6-2-2003.

[No. L-12012/418/88-D-II (A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"SHRAM SADAN",

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 29th January, 2003

PRESENT

HON'BLE SHRI V.N. KULKARNI, B.COM. LLB,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,
BANGALORE.

C.R. No. 31/89

I PARTY

II PARTY

General Secretary, The Regional Manager,
Dena Bank Employees Union, Dena Bank,

C/o. Dena Bank,
K.G. Road,
Bangalore-1

Sona Towers,
1st Floor,
71, Millers Road,
Bangalore-52

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/418/88-DII (A) dated 28th March, 1989 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Management of Dena Bank in awarding the punishment of stoppage of four annual increments with cumulative effect to Shri M. Siddappa and M. Mariappa is justified? If not to what relief are the concerned workmen entitled?"

2. The first party workmen were working with the management. The union has raised this dispute because of stoppage of four annual increments with cumulative effect to these workmen.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The workmen Shri M. Siddappa and Shri M. Mariappa were working as Cashier-cum-Clerk and as an attender respectively. Charge sheet was issued for cheating the bank by producing Bogus Leave fare Concession claims which are prejudicial to the interest of the bank or gross negligence coming under 19.5 (j) of the Bipartite Settlement. Domestic enquiry was initiated. As against Shri Mariappa a detailed enquiry was conducted. He has challenged the DE saying that it is not fair and proper. In the claim Statement details of challenging DE are stated.

5. On the other hand the management has contented that the DE is fair and proper and the same is in accordance with the principles of natural justice.

6. It is seen from the records that my learned predecessor gave finding holding that the DE is not fair and proper so far as Shri. Mariappa is concerned and the management was directed to prove the misconduct independently.

7. My learned predecessor has also directed the management to release the increments which are with held to Mariappa and to pay him the arrears also. The charge that Mr. Mariappa made a claim of Rs. 2,795/- and the same was bogus claim. The management has not proved the charges against Mr. Mariappa. Therefore, by invoking provisions of Section 11A of the ID Act, I proceed to pass the following Order :

ORDER

The reference is allowed. Punishment imposed by the management is set aside so far as Shri Mariappa is concerned. Accordingly the reference is disposed off.

Before parting with this case I would like to mention that there was a Miscellaneous Application filed by the management to set aside the award passed by this Tribunal on 11th December, 1998 in C.R. No. 31/89. That Miscellaneous applicaiton was dismissed for default.

Thereafter another Miscellaneous Application was filed and that Miscellaneous Application was allowed. In other words C.R. No. 31/89 was restored because Miscellaneous Application was allowed. Accordingly I have heard the arguments of the first party and disposed the reference as per the above order.

(Dictated to PA transcribed by her corrected and signed by me on 29th January, 2003)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 907.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 250/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2003 को प्राप्त हुआ था।

[सं. एल-12025/1/2003-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 907.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 250/2001) of the Central Govt. Industrial Tribunal -cum-LC, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 7-2-2003.

[No. L-12025/1/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT AT HYDERABAD

Present : Shri E. Ismail, B. Sc., LL.B.,
Presiding Officer

Dated : 23rd day of December, 2002

Industrial Dispute L. C. I. D. No.250/2001
(Old I. D. No.244/99 transferred from Labour Court-1,
Hyderabad)

Between :

Sri E. Koteswara Rao,
R/o 1-8-3/231/C.A.16,
Sri Krishna Nagar,
Yousufguda, Hyderabad.

.....Petitioner

AND

1. The Dy. General Manager (Personnel),
Union Bank of India, Central Office,
Union Bank Bhavan, 239,
Vidhan Bhavan Marg,
Nariman Point, Mumbai - 400 021.
 2. The Dy. Manager (Personnel),
Union Bank of India, Nodel Regional Office,
2nd floor, Lata Complex, Nampally,
Hyderabad-500 001.
- Respondents

Appearances :

- For the Petitioner : Sri P.B. Vijay Kumar, Advocate
- For the Respondent : M/s C.R. Sridharan & G. Narender Reddy, Advocates

AWARD

This is a case taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others bearing I.D. No. 244/99 filed under Sec. 2 A (2) of the I.D. Act, 1947 before the Labour Court-1, Hyderabad and transferred to this Court in view of Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C.II) dated 18-10-2001. The I.D. was renumbered in this Tribunal as L.C.I.D. No.250/2001 and notices issued to parties.

2. The brief averments of petition are : That the petitioner Sri E. Koteswara Rao was working in the respondent bank at Ongole branch as Cashier and was dismissed from service by the respondent bank on 29-5-99. The Petitioner joined the Respondent bank as sub-staff on 1-5-1975. He was drawing a wage of Rs. 11000/- per month. The workman was served with a demand notice, management did not reply to the same. Hence, he was forced to approach this Court. The workman was chargesheeted vide chargesheet dated 18.11.98 for the following charges:

1. Doing acts prejudicial to the interest of the Bank involving serious monetary loss to the Bank.
2. Neglect of work and negligence in performance of his official duties.
3. Breach of Rules of business of Bank and Cash Department.

Hence, the Enquiry Officer was appointed. During the enquiry none was examined representing the prosecution. The documentary evidence was not properly adduced before the Enquiry Officer. However, the workman who is a delinquent employee was also cross-examined thoroughly by the Enquiry Officer. The Enquiry Officer finally concluded that the charges are proved basing on certain extraneous considerations. The aspects which are not part of the charge sheet are brought into the record. The findings of the Enquiry Officer of those issues are totally contrary to law and weight of evidence. No

reasonable opportunity was provided to the workman to meet those aspects of the matter which were a part of the charge sheet. The Enquiry Officer also assumed the role of the prosecutor and as seen from the tenacity of the cross-examination of the workman it is evident that the enquiry was held only to conclude the charges against the workman even in the absence of positive evidence. It may be noted that the customers whose S.B. Ledger was found missing and who had withdrawn the amounts was not produced during the enquiry. Evidence is also silent with reference to the persons who issued the token number one and two. The possibility of other staff removing the said folios was not examined at all. The whole enquiry is vitiated. That the Disciplinary Authority who also happened to be the Enquiry Officer while communicating his findings on the charges also communicated of the proposed punishment. The workman was never asked to make submissions on the findings of the Enquiry Officer. And the Personal hearing was only confined to the proposed punishment of dismissal from service and he prayed for reinstatement with back wages, continuity of service and all other attendant benefits.

3. A counter was filed. That the bank is fully controlled by the Government of India both as Shareholder and its nominees being on its Board of Directors. Hence, the bank is a Government of India undertaking. Hence, the appropriate Government is the Central Government. Any system, that loses its significance because now the case is before the Central Govt. Industrial Tribunal cum Labour Court.

4. The petitioner joined the services of the Peon on 1-5-75, was promoted to the Clerical cadre in November, 1979. During his tenure in the bank the petitioner worked with various branches like Ravinuthala, Rajahmundry, Chilakapadu before being posted at Ongole branch in 1996.

5. On 14th May, 1998 one of the customers of the Ongole Branch Mr. Epuri Lachanna, Holder of S.B. A/c No. 12248 complained of unauthorized debit of Rs. 25000/- on May 4th 1998 from his account. Stating that he has not withdrawn any such amount on the said date. Upon enquiry, it was revealed that the token in respect of the above unauthorized withdrawal of Rs.25000/- being token number nine was issued on 4th May, 1998 by the petitioner herein who was officiating Head Cashier on the said date. Being the senior most clerk in the branch due to the absence of Mr. Udaya Bhaskar who was on leave from 2nd May, 1998 to 9th May, 1998. On May 4th 1998 Mr. A. Anji Reddy, who was the relieving clerk was asked to scroll as Mr. Ch. Shobhan Babu was on leave. However, as the said Mr. Anji Reddy did not come in time to the office on the said date at 9.50 A.M. one Mr. V. Adi Narayana, handed over the tokens to the petitioner for the issuance against withdrawals. Thus, it was found that the petitioner issued in all 5 tokens including token number 9 for Rs.25,000/- in S.B. A/c No.12248 entered as 1248 by the petitioner and admitted by him to be a clerical error whereas all other accounts were correctly entered. The customer in question Mr. E. Lachanna had obtained

a cheque book from the branch and the cash withdrawals from the account were to be made only by cheques. Admittedly, the withdrawals were made through token Number 9 issued by the petitioner was through a withdrawal form and not a cheque. Vide Circular No.IC:4444 dated September 20, 1991 all the branches were informed that a facility of seeking withdrawal forms to Saving Bank Account Holders should be only restricted to the extent of Rs.5000/-. The petitioner was fully aware of the above Circular and he had not taken permission from the Supervisory staff before issuing the token No. 9 even though the party has allegedly tendered withdrawal forms instead of cheque. Further by another Circular IC No.4301 dated 5-1-1991 that payment against withdrawal slips should be made only when the withdrawal form is accompanied by the pass book and presented by the account holder himself. Admittedly, token No.9 was issued against the withdrawal which was not accompanied by the pass book. The petitioner has committed a grave and serious irregularities in issuing token No. 9. He was issued a memorandum dated 20-5-98 which was replied by the petitioner on 1-6-98.

6. Again, it was reported that the petitioner had issued cheque Nos. 92033, 92034 etc. in all 7 cheques for a total sum of Rs.1,58,550/- without sufficient funds in his account and therefore was issued with another memo dated 20-6-98 which was replied by him vide letter dated 20-7-98. As both the replies were not satisfactory he was issued with a charge sheet dated 18-11-98, with charges above mentioned. By the above charge sheet, the petitioner was also informed that Mr. S.M. Salian, Deputy Manager (P), Nodal Regional Office, Hyderabad has been authorized as the Enquiry Officer and the Disciplinary Authority to conduct an enquiry into the charges levelled against the petitioner.

7. Accordingly, enquiry was conducted, three witnesses were examined, 13 documents were marked, the petitioner was given all opportunities to fully participate in the enquiry by cross-examining three witnesses inspecting the documents adducing his own evidence and producing documentary evidence. He was represented by one Mr. B. Subramanyam, Organizing Secretary, Union Bank Employees Union, A.P. The petitioner as well as the management were permitted to file the respective written arguments which they did and the Enquiry Officer gave findings on 10.4.99 holding the petitioner guilty of all the charges and proposed punishment of dismissal. A copy of the findings along with record of enquiry was served on the petitioner. He was heard fully before the proposed punishment was given. Against the dismissal order he appealed to the Appellate Authority, Deputy General Manager (P) who was also rejected vide orders dated 12-11-99 after granting a personal hearing to him on 21-10-99. The enquiry is conducted in accordance with law and hence, the petitioner may not be entitled for the relief sought etc.

8. The Advocates wanted that to it first decided that whether the enquiry is validly held or not. Hence, Ex.M1 to Ex.M24 were marked with consent and arguments heard on the validity of domestic enquiry.

9. This Court by its detailed order dated 6th May, 2002 held that the domestic enquiry is validly conducted. So the only point that has to be decided is whether this Court has got powers under Sec. 11A and whether it is a fit case to interfere in the punishment awarded to the petitioner.

10. It is Argued by the Learned Counsel for the petitioner that the applicant joined in the services of the Union Bank of India as Peon on 1-5-75 and promoted to the clerk cadre in the year 1979 and worked with various branches and posted at Ongole branch in the year 1996. He has put in 27 years of service. On 14-5-1998 it is alleged that one Sri Lachhanna who was the bank customer came to bank for receiving his pass book said to have been given on 6-5-98 for updating his amounts, gave a complaint to the Branch Manager stating specifically that on 14-5-98 he has not withdrawn himself to the extent of Rs. 25,000/- in S. B. Account No.12248.

11. It is pertinent to submit that the Branch Manager wrote a letter to the Regional Office on 13-5-98 turning the non-withdrawal lodged by the customer to that of a fraudulent withdrawal attributable to the workman without any notice or any knowledge of the workman. Again he wrote down on 14-5-98 along with photocopy of complaint alleged to have been given by the customer in question to the authorities but not original.

12. It is the case of the Respondent that one Sri K. V. Krishna Reddy under the instructions of A.G.M. visited Ongole branch and conducted an enquiry regarding fraudulent withdrawal of Rs.25,000/- from S.B. A/c No. 12248 instead of non-withdrawal by the customer on 16-5-98, which is an erroneous procedure without any notice to the workman in this regard. Subsequently he submitted his report dated 18-5-98 to the authorities on 20-5-98. There were six allegations against him. The major one that he did not take proper care to identify the person to whom he paid an amount of Rs.25,000/- against token No.9. There was a shortfall of Rs.25,000/- from S.B. A/c No.12248 on 4-5-98. The workman submitted his reply. All further arguments are done about the way in which the enquiry is conducted. Much of the arguments is about the enquiry but this Court by its order dated 6th May, 2002 has held that the enquiry is validly conducted. Which become final. The only point for consideration by this Court is whether findings of the Enquiry Officer are correct, although given with reasoning and if he has done, whether the punishment awarded is disproportionate to the gravity of the offence and whether this Court can exercise its powers under Sec. 11A by substituting the punishment of dismissal from service by any other punishment.

13. The Petitioner's Counsel relied on the following judgment. He also submits that the findings of the Enquiry Officer are not correct and he relies on 1984 (2) LLJ page 517 wherein their Lordships held that finding of misconduct by domestic enquiry - finding based on no evidence can be rejected as perverse. Their Lordships further held that the findings are perverse does not constitute reappraisal of evidence, those Court would have been perfectly justified in exercise of powers conferred by Sec.11A to do so. Their

Lordships further held the Industrial Tribunal or the arbitrator or a quasi-judicial arbitrator authority can reject not only such findings but also the conclusion based on no legal evidence or it is merely based surmises and conjectures unrelated to evidence on the ground that they disclose total non-application of mind. He also relied on 1980 (3) between Satya Prakash Varshney and Union of India and others wherein it was held that use of personal knowledge by the Enquiry Officer not proper. He also relied on 1981 (3) SLR wherein it was held that although the victim did not support the charge. Eleven other witnesses examined in support of the charges also did not support the allegation. Yet, Enquiry Officer held the Petitioner guilty of the charges. Hence, the order of dismissal based on no evidence at all to support the allegation and as such illegal. He also relied on 1999 Supreme Court page 429 where their Lordships held that judicial review is totally barred, finding of guilty, although would not be normally interfered, held, the Court can interfere therewith if the same is based on no evidence or is such as could not be reached by an ordinary prudent man or is perverse or is made of a dictates of a superior authority. He therefore prays that actually the reasonings of the Enquiry Officer are perverse and not based on any evidence that too when the alleged victim has not been examined his case to the root of the case and although this Hon'ble Court has held that the domestic enquiry is validly conducted yet the Hon'ble Court is not debarred from looking into whether the findings of the Enquiry Officer are based on sound reasoning or not. If they are based on sound reasoning and if the guilt is not proved he submits as in this case, then the Court can hold that the findings of the Enquiry Officer are perverse and therefore, the Petitioner may be reinstated back into service with full back wages, continuity of service and all attendant benefits. If for any reason the Hon'ble Court feels that the findings are correct yet, this is a fit case where the Court can exercise its power under Sec. 11A and impose with some other lenient punishment as the punishment of dismissal is too harsh in the circumstances of the case.

14. It is argued by the Learned Counsel for the Respondent that once a misappropriation is proved any interference with the order of punishment substituting it by a lesser punishment and allowing reinstatement, neither proper nor fair on the part of the Court. He relied on 2001 LLR Supreme Court of India page 11 wherein it was held that the discretion cannot be exercised and the employee cannot be reinstated. He also relied on 2000 (6) Supreme Court page 339 wherein the Labour Court giving specific finding that charge of misappropriation and breach of trust established is set aside the dismissal order and ordered reinstatement with 25% back wages. The Hon'ble Supreme Court held the same is unsustainable and there is no question of showing uncalled for sympathy and reinstating employee into service. He also relied on 1997 LLR Supreme Court page 778 wherein it was held in view of proof of misconduct Labour Court rightfully declined to exercise powers under Sec. 11A of the I.D. Act granting relief of reinstatement. He also relied on full bench Judgement of our High Court represented in 2000-II-LLJ page 1708 wherein it was held that quantum of some misappropriation held not shockingly disproportionate. He also relied on the Judgement of a Division Bench of our High Court reported in 2000 (5) ALD 144 (DB)

wherein it was held that his Tribunal confirming the order of dismissal of a conductor working in State Road Transport Corporation for misappropriation of Rs.3.50/-, order not liable to be interfered. And a number of Judgements which need not be repeated here held that the charges are proved and the domestic enquiry held as the charges are proved. Therefore, this court may not interfere with the punishment given.

15. It may be noted that the Petitioner issued cheques for a total amount of more than Rs.1,50,000/- without sufficient funds in his account. Which itself shows that he was extravagant or really in strained circumstances as stated by him that he had cardiac disease and underwent by-pass surgery and that his daughter gave birth to a child who was suffering from cardiac respiratory problem and died and incurred an expenditure of Rs. 1 lakh. So far as this is concerned Sri E. Lachanna, the complainant is not examined and there is a charge that he was doing as prejudicial to the interest of the bank involving monetary loss to the bank. Of course this is specific incident of Rs.25,000/- from the account of Sri Lachanna is not mentioned. Although he gave a complaint on 14-5-98 that he has not withdrawn Rs.25,000/- from his account on 4-5-98. It is rather surprising that although the charge sheet was issued on 10-11-98 itself and the enquiry proceedings started from 2-3-99 itself. What prevented the bank from not examining the customer Sri Lachanna. Further it has come in record that the charge sheeted employee did not hand over the cash vouchers of 4-5-98 to the accountant. Sri Lachanna says in his complaint that he did not draw the amount on 4-5-98. He gave his pass book for upto dating and collected his pass book on 14-5-98. He noted the above and Mr. Koteswara Rao not handed over cash vouchers either to the officer in charge or accountant on the same day. Token Number three to Nine are written in the hands of Sri Koteswara Rao the chargesheeted employee. MW1 has stated that there is monetary loss of Rs. 25,000/-.

16. In the cross-examination of MW1, it is proved that an amount of Rs.36,000/- and Rs.50,000/- on 4-5-98 and 17-4-98 were withdrawn on withdrawal voucher. So it is not unusual at Ongole branch to make payment of rupees excess of Rs.5000/- by withdrawal form. And mysteriously these scrolls token No.3 to 9 are missing which were issued by Sri Koteswara Rao who was officiating as Head Cashier on 4-5-98. And that the payment was made through withdrawal slip. The posting of the entry could not be verified since the page was missing. However, Sri Lachanna who is working as Sales officer in FACT Limited, Ongole, his account was transfer from Jagityal branch. That all the withdrawals were made by cheques only. He informed the concerned official Mr. Adinarayana accordingly. He did not lodge written complaint immediately under an impression that some wrong entry must be done in his account that the same will be rectified.

17. No doubt, as stated above, the concerned person Mr. Lachanna was not examined. Yet we see that token numbers 3 and 9 issued by the Petitioner are missing and

there cannot be any other conclusion drawn in the circumstances of the case that it was the Petitioner, who encashed Rs.25,000/-. No doubt, it is not brought into the evidence as to ultimately who paid those Rs.25,000/- to Mr. Lachanna is not clear from the record. Further from the fact that he has been issuing cheques without having funds for more than 1½ lakhs of rupees itself goes to show that it was during the period 19-2-98 to 7-4-98 and this incident has happened on 4th May, 1998. The sequence is correct and if the alleged strained circumstances of the Petitioner are seen we can safely conclude that having got tired of issuing cheques without having sufficient funds ultimately he resorted to this. I have full sympathy with him and if really his circumstances were so strained one should have full sympathy with him. Yet, I am afraid that coming to the rescue of persons who resort to such practices may not be correct. Hence, the only finding that can be given is that the order of dismissal passed by the bank is correct and he is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced in the open court by me on this the 23rd day of December, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner Witness examined for the Respondent

NIL

NIL

Documents marked for the Petitioner/Workman

NIL

Documents marked for the Respondent

- ExM1: Original enquiry proceedings dt. 2-3-99
- ExM2: Copy of charge sheet dt. 18-11-98
- ExM3: Copy of Ir. dt. 18-5-98 to the G.M. VJA by the Manager (P&A)
- ExM4: Withdrawal form
- ExM5: Copy of scroll dt. 4-5-98
- ExM6: Copy of Ir. by B.M., Ongole to the A.G.M., dt. 18-6-98
- ExM7: Copy of Ir. Np.GEN:CMR: 128/98 dt. 14-5-98 annexing complaint
- ExM8: Copy of Ir. No.GEN:CMR: 134/98 dt.27-5-98
- ExM9: Copy of Book of Instructions
- ExM10: Copy of Ir. No. STF: 140/98 dt.1-6-98 from B.M., Ongole to the A.G.M.
- ExM11: Copy of Form 'B'

- ExM12: Copy of staff circular No. 3023
- ExM13: Copy of staff circular No. 1180
- ExM14: Copy of staff circular No. 851
- ExM15: Original Ir. dt.2-3-99 from Organizing Secretary, U.B.E Union
- ExM16: Original Ir. of representation of petitioner dt.6-3-99
- ExM17: Original of written arguments of defence representative dt.18-11-98
- ExM18: Memo No.CO:IRD:AS:9087:98DT:20-11-98
- ExM19: Copy of Ir. No. RO:PER:2108/98 dt. 20-6-98
- ExM20: Copy of memo No.RO:PER: 1732/98 dt. 20-5-98
- ExM21: Written arguments of management dt. 15-3-99
- ExM22: Original Ir. NO.NRO:PER: 169:98 dt. 16-4-99
- ExM23: Proceedings of the personal hearing dt. 28-4-99
- ExM24: Enquiry report No.NRO:PER:147:99 dt.10-4-99

नई दिल्ली, 18 फरवरी, 2003

का. आ. 908.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड इश्यूरेन्स कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़, के पंचाट (संदर्भ संख्या 89/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-17012/16/88-डी. IV(I)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 908.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 89/88) of the Central Govt. Industrial Tribunal-cum-LC, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Insurance Co. Ltd. and their workman, which was received by the Central Government on 6-2-2003.

[No. L-17012/16/88-D-IV (I)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-
LABOUR COURT, CHANDIGARH.

PRESIDING OFFICER : Shri S.M. GocL

Case No. ID 89/88

Sh. Vinod Ahuja, House No. 214,
Sector 16-A, Chandigarh

....Applicant.

V/s.

The Regional Manager,
United Insurance Company Limited,
SCO 177-178, Sector 8-C, Chandigarh

.....Respondent.

REPRESENTATIVES

For the workman : Sh. Dinesh Madra

For the management : Sh. D.R. Bansal

AWARD

(Passed on 21-01-2003)

The Central Govt. Ministry of Labour vide Notification No. L. 17012/16/88-D. IV(1)/D.II (B) dated 3rd November, 1988 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the United Insurance Company Ltd. Regional Office, Chandigarh, in terminating the services of Shri Vinod Ahuja at their Chandigarh office w.e.f. 11-11-1985 is legal and justified? If not, to what relief is the concerned workman entitled and from what date?"

2. In the claim statement it is pleaded by the applicant that he had been in the service of the management for the last 20 years and his services have been terminated by the management after illegal and unlawful enquiry. The enquiry conducted by the management was not in accordance with the principle of natural justice and he was not afforded full opportunity to defend himself during the enquiry proceedings. The applicant prayed that the enquiry is vitiated and the applicant be reinstated in service with full backwages and with all attendant benefits.

3. The management filed their written statement. Preliminary objection has been taken that the Development officer of the U.I.I. Co. is not covered under the definition of a 'workman' as provided under I.D. Act, 1947 and, therefore, this Tribunal has no jurisdiction to entertain the present reference. The management also filed their written statement on the merits of the case and all the averments made by the applicant were denied. The Management, therefore, submitted that the applicant was not a workman and, therefore, the reference can not be adjudicated upon by this tribunal.

4. Rejoinder was also filed by the applicant reiterating his earlier claim.

5. Both the parties also filed their respective affidavits alongwith their documents.

6. A preliminary objection was thus raised by the management about the jurisdiction of this Tribunal. Raising

the issue that the Development Officer of the U.I.I. Comp. are not covered by the definition of the 'Workman' as provided under the I.D. Act, 1947, in this context he has pointed out that one of the most important duty of the Development Officer of the Insurance Comp. is that he also promotes the business of the Insurance Co. for his arguments he has relied on 1995(1) S.C.T. page 277 H.R. Adyanthaya Vs. Sandoz (India) Ltd.

7. On the other hand, the learned counsel for the petitioner has relied on AIR 1984 Hon'ble Supreme Court 1462 S.K. Verma Vs. L.I.C. The learned counsel for the petitioner relying on this case law, has argued that the Development Officer of the L.I.C. are workman. He has also argued that the case law of S.K. Verma Vs. L.I.C. was delivered by the Hon'ble Supreme Court in the case of Development Officers of the L.I.C. while the case law of H.R. Adyanthaya was delivered with regard to the Medical representatives of the Pharmaceutical Industry.

8. I have gone through very carefully both the case laws (supra) as relied upon by the learned counsel of the respective parties. In the case law of H.R. Adyanthaya (1995)(1) S.C.T. 277, the Hon'ble Supreme Court has stated the persons who comes under the definition of workman as defined by the I.D. Act, 1947 in Section 2s. It is true that H.R. Adyanthaya case law was given by the Hon'ble Supreme Court in the case of Medical representatives but at the same time it also stated the persons who are covered by the definition of 'workman' under the I.D. Act, 1947 and very specifically, it has stated that the workman who are involved in the promotional activities of an industry are not covered by the definition of 'workman' under the I.D. Act, 1947. In para 27 of H.R. Adyanthaya case law reported in 1995(1) S.C.T. 277, the Hon'ble Supreme Court has laid down that the definition of "workman" under the I.D. Act will obviously not cover the sales promotion employee.....'. The Hon'ble Supreme Court further held that interpretation was specifically rejected by this court in May & Baker, WIMCO, Burmashell and a Sunderambal case (supra). Although such all interpretation was given in S.K. Verma; Delton Cables and Ciba Gigy cases (supra). The legislature impliedly did not accept the said interpretation as is evident from the facts that instead of amending the definition of "workman" on the lines interpreted in the said latter cases, the legislation added three specific categories. viz. unskilled, skilled and operational.'

9. In view of the above observations and law laid down by the Hon'ble Supreme Court in H.R. Adyanthaya Vs. Sandoz (India) Ltd. I hold that the petitioner is not covered by the definition of the 'workman' as defined in the I.D. Act, 1947. Undoubtedly, the Development Officer of the Insurance Corporation also look after the promotional work of the business of the insurance companies. I am, therefore, of the opinion that this Tribunal has no jurisdiction to decide this reference. The reference is accordingly

returned to the Ministry with the aforesaid observations.
Central Govt. be informed.

CHANDIGARH
DATED : 21-1-2003

S.M. GOEL, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 909.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्यूरेन्स कंपनी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय चंडीगढ़ के पंचाट (संदर्भ संख्या 101/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-17012/18/98-आई. आर. (बी.-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 909.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 101/99) of the Central Govt. Industrial Tribunal-cum-LC, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Company Ltd. and their workman, which was received by the Central Government on 6-2-03.

[No. L-17012/18/98-IR (B-ID)]

C. GANGADHARAN, Under Secy.
ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH**

PRESIDING OFFICER SHRI S.M. GOEL

Case No. ID 101/99

Sh. Yugal Kishore S/o Sh. S. S. Awasthi,
House No. 82, Ward No. 3,
Akhara Bazar, Kullu-175101.Applicant.

V/s.

The Regional Manager,
National Insurance Company Limited,
R.O.S.C.O. 337-340,
Sector 35-B, ChandigarhRespondent.

REPRESENTATIVES

For the workman : Sh. R.P. Rana
For the management : Sh. Paul S. Saini

AWARD

(Passed on 21-1-2003)

The Central Govt. Ministry of Labour vide Notification No. L-17012/18/98-IR (B.II) dated 31st March, 1999 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of National Insurance Company Ltd., Chandigarh in terminating the services of their workman Sh. Yugal Kishore Awasthi w.e.f. 30-6-96 is just and legal? If not to what relief the workman is entitled to?”

2. The claim statement has been filed on behalf of the applicant, in which he has pleaded that he was appointed as Probationary Development Officer Grade II with the Management, on successful training he joined Mandi Branch of the Management. No adverse remark was conveyed to him. His services were terminated by the Management on 30-6-1996 as he had not completed the target. He prayed that he be reinstated in service as the action of the management is unjustified with full backwages and other benefits.

3. The management filed their written statement. Preliminary objection has been taken that the Development Officer of the N.I. Co. is not covered under the definition of a ‘workman’ as provided under I.D. Act 1947 and, therefore, this Tribunal has no jurisdiction to entertain the present reference. The management also filed their written statement on the merits of the case and all the averments made by the applicant were denied. The Management, therefore, submitted that the applicant was not a workman and, therefore, the reference can not be adjudicated upon by this Tribunal.

4. Rejoinder was also filed by the applicants reiterating his earlier claim.

5. Both the parties also filed their respective affidavits alongwith their documents.

6. A preliminary objection was thus raised by the management about the jurisdiction of this Tribunal raising the issue that the Development Officer of the N.I. Comp. are not covered by the definition of the ‘workman’ as provided under the I.D. Act, 1947. In this context he has pointed out that one of the most important duty of the Development Officer of the Insurance Comp. is that he also promotes the business of the Insurance Co. For his arguments he has relied on 1995(I) S.C.T. page 277 H.R. Adyanthaya Vs. Sandoz (India) Ltd.

7. On the other hand, the learned counsel for the petitioner has relied on AIR 1984 Hon’ble Supreme Court 1462 S.K.Verma Vs. L.I.C. The learned counsel for the petitioner relying on this case law, has argued that the Development Officer of the L.I.C. are workman. He has also argued that the case law of S.K.Verma Vs. L.I.C. was

delivered by the Hon'ble Supreme Court in the case of Development Officers of the L.I.C. while the case law of H.R. Adyanthaya was delivered with regard to the medical representatives of the Pharmaceutical industry.

8. I have gone through very carefully both the case laws (supra) as relied upon by the learned counsel of the respective parties. In the case law of H.R. Adyanthaya (1995) (1) S.C.T. 277, the Hon'ble Supreme Court has stated the persons who comes under the definition of workman as defined by the I.D. Act 1947 in Section 2S. It is true that H.R. Adyanthaya case law was given by the Hon'ble Supreme Court in the case of medical representatives but at the same time it also stated the persons who are covered by the definition of 'workman' under the I.D. Act 1947 and very specifically, it has stated that the workman who are involved in the promotional activities of an industry are not covered by the definition of 'workman' under the I.D. Act 1947. In para 27 of H.R. Adyanthaya case law reported in 1995(1) S.C.T. 277, the Hon'ble Supreme Court has laid down that 'the definition of "workman" under the I.D. Act will obviously not cover the sales promotion employee.....' 'The Hon'ble Supreme Court further held that 'interpretation was specifically rejected by this Court in May & Baker, WIMCO, Burmahshell and A Sunderambal case (Supra). Although such all interpretation was given in S.K. Verma; Delton Cables and Ciba Gigy cases (Supra), the legislature impliedly did not accept the said interpretation as is evident from the facts that instead of amending the definition of "workman" on the lines interpreted in the said latter cases, the legislation added three specific categories viz. unskilled, skilled and operational.'

9. In view of the above observations and law laid down by the Hon'ble Supreme Court in H.R. Adyanthaya Vs. Sandoz (India) Ltd., I hold that the petitioner is not covered by the definition of the 'workman' as defined in the I.D. Act 1947. Undoubtedly the Development Officer of the Insurance Corporation also look after the promotional work of the business of the insurance companies. I am therefore, of the opinion that this Tribunal has no jurisdiction to decide this reference. The reference is accordingly returned to the Ministry with the aforesaid observations. Central Govt. be informed.

Chandigarh S.M. GOEL, Presiding Officer

Dated: 21-1-2003

नई दिल्ली, 18 फरवरी, 2003

का. आ. 910.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट (संदर्भ संख्या 109/93)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-17012/23/93-आई. आर. (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 910.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 109/93) of the Central Govt. Industrial Tribunal-cum-LC, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 6-2-2003.

[No. L-17012/23/93-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH.**

PRESIDING OFFICER SHRI S.M. GOEL

Case No. ID 109/93

Sr. Suneet Goel,
HIG 752-A, Phase 9,
Mohali

.....Applicant.

V/s.

S. Divisional Manager,
Life Insurance Corporation of India,
Sector 17-B, Chandigarh-160017

.....Respondent.

REPRESENTATIVES

For the workman : Sh. Gurdeep Singh

For the management : Sh. R. S. Longia

AWARD

(Passed on 21-1-2003)

The Central Govt., Ministry of Labour vide Notification No. L-17012/23/93—I.R.B.-II dated 10th September, 1993 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of LIC of India in extending the probation period of Shri Suneet Goel and then subsequently terminating his services is justified? If not, what relief is the workman entitled to?"

2. Brief facts of the case according to the applicant are that he was appointed as probationary Development Officer on 23-5-1991 and on completion of the training he was posted at Budhlada Branch of the L.I.C. His services were terminated on 30-9-1992 inspite of the fact that the applicant achieved the business targets, yet his period of probation was extended and ultimately leading to his termination. At the time of termination of his service, the management had not complied with the provisions of Section 25-F of the I.D. Act, 1947 as no retrenchment compensation and one month notice was given. It is also pleaded that principle of natural justice has been violated by the Management in the termination of his service. He has thus, prayed that he reinstated in service with full backwages and other benefits.

3. The management filed their written statement. Preliminary objection has been taken that the Development Officer of the LIC is not covered under the definition of a 'workman' as provided under I.D. Act 1947 and therefore, this Tribunal has no jurisdiction to entertain the present reference. The Management also filed their written statement on the merits of the case and all the averments made by the applicant were denied. The Management, therefore, submitted that the applicant was not a workman and, therefore, submitted that the reference can not be adjudicated upon by this Tribunal.

4. Rejoinder was also filed by the applicant reiterating his earlier claim.

5. Both the parties also filed their respective affidavits alongwith their documents. The parties also examined their witnesses.

6. A preliminary objection was thus raised by the management about the jurisdiction of this Tribunal. Raising the issue that the Development Officer of the L.I.C. are not covered by the definition of the 'workman' as provided under the I.D. Act 1947, in this context he has pointed out that one of the most important duty of the Development Officer of the Insurance Co. is that he also promotes the business of the Insurance Co. For his arguments he has relied on 1995(1) S.C.T. page 277 H.R. Adyanthaya Vs. Sandoz (India) Ltd.

7. On the other hand, the learned counsel for the petitioner has relied on AIR 1984 Hon'ble Supreme Court 1462 S.K. Verma Vs. L.I.C. the learned counsel for the petitioner relying on this case law, has argued that the Development Officer of the L.I.C. are "workman". He has also argued that the case law of S.K. Verma Vs. L.I.C. was delivered by the Hon'ble Supreme Court in the case of Development Officers of the L.I.C. While the case law of H.R. Adyanthaya was delivered with regard to the medical representatives of the Pharmaceutical Industry.

8. I have gone through very carefully both the case laws (Supra) as relied upon by the learned counsel of the respective parties. In the case law of H.R. Adyanthaya (1995)(1) S.C.T. 277, the Hon'ble Supreme Court has stated the persons who come under the definition of "workman" as defined by the I.D. Act 1947 in Section 2s. It is true that H.R. Adyanthaya case law was delivered by the Hon'ble Supreme Court in the case of medical representatives but at the same time it also laid down the persons who are covered by the definition of 'workman' under the I.D. Act 1947 and very specifically, it has stated that the workman who are involved in the promotional activities of an industry are not covered by the definition of 'workman' under the I.D. Act 1947. In para 27 of H.R. Adyanthaya case law reported in 1995 (1) S.C.T. 277, the Hon'ble Supreme Court has laid down that 'the definition of "Workman" under the I.D. Act will obviously not cover the sales promotion employee.....' The Hon'ble Supreme Court further held that 'interpretation was specifically rejected by this Court in May & Baker, WIMCO, Burmashell and a Sunderambal case (Supra). Although such all interpretation was given in S. K. Verma, Delton Cables and Ciba Gigy cases (Supra). The legislature impliedly did not accept the said interpretation as is evident from the facts that instead of amending the definition of "workman" on the lines interpreted in the said later cases, the legislature added three specific categories viz. unskilled, skilled and operational.'

9. In view of the above observations and law laid down by the Hon'ble Supreme Court in H.R. Adyanthaya V/s. Sandoz (India) Ltd., I hold that the petitioner is not covered by the definition of the 'workman' as defined in the I.D. Act 1947. Undoubtedly, the Development Officer of the Insurance Corporation also look after the promotional work of the business of the insurance companies. I am, therefore, of the opinion that this Tribunal has no jurisdiction to decide this reference. The reference is accordingly returned to the Ministry with the aforesaid observations. Central Govt. be informed.

Chandigarh

S. M. GOEL, Presiding Officer

Dated : 21-1-2003

नई दिल्ली, 18 फरवरी, 2003

का. आ. 911.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल इश्यून्स के. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 43/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-2003 प्राप्त हुआ था।

[सं. एल-17012/24/93-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 911.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/94) of the Central Government Industrial Tribunal-cum-L.C., Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Insurance Company and their workman, which was received by the Central Government on 06-02-03.

[No. L-17012/24/93-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S. M. Goel

Case No. ID 43/94

Chairman, General Insurance Development Officers Association, 2371, Sector 35-C, Chandigarh.

.....Applicant.

V/s

Asstt. General Manager, Oriental Insurance Company Sector 17, Chandigarh.

..... Respondent.

REPRESENTATIVES

For the workman : Sh. B. J. Singh

For the Management : Sh. Deepak Arora

AWARD

(Passed on 21-1-2003)

The Central Govt. Ministry of Labour vide Notification No. L-17012/24/93-I.R.B-2 dated 13th May 1994 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Oriental Insurance Company Limited, Chandigarh in not considering Sh. S. P. Singh Development Officer for Promotion to the post of Assistant Administrative Officer in the years 1987, 1988 and 1989 is justified? If not, what relief is the said workman entitled to?"

2. It is pleaded in the claim statement that applicant is a Development Officer with the management since 1981. He was not given the benefit of post graduation despite the clarification given by the applicant. He has prayed that he be given the benefit of post graduation qualification as he is suffering monetary loss since 1987.

3. In the written statement, the Management has pleaded that diploma acquired by the workman has not been declared to be equivalent to a degree and thereby because the Bhartiya Vidya Bhawan has designed it as a post graduate course, it does not confer the status of being equivalent to degree and thus the applicant is not entitled to the relief as claimed by the applicant and the management prayed for the rejection of the reference.

4. Rejoinder was also filed by the workman reiterating the claim made in the claim statement.

5. Both the parties also filed their respective affidavits alongwith their documents and witnesses were cross-examined.

6. A objection has been raised by the management about the jurisdiction of this Tribunal, raising the issue that the Development Officer of the Oriental Insurance Co. are not covered by the definition of the 'workman' as provided under the I. D. Act, 1947. In this context he has pointed out that one of the most important duty of the Development Officer of the Insurance Co. is that he also promotes the business of the Insurance Co. For his arguments he has relied on 1995 (1) S. C. T. page 277 H. R. Adyanthaya Vs. Sandoz (India) Ltd.

7. On the other hand, the learned counsel for the petitioner has relied on AIR 1984 Hon'ble Supreme Court 1462 S. K. Verma Vs. L. I. C. The learned counsel for the petitioner relying on this case law, has argued that the Development Officer of the L. I. C. are workman. He has also argued that the case law of S. K. Verma Vs. L. I. C. was delivered by the Hon'ble Supreme Court in the case of Development Officers of the L. I. C. while the case law of H. R. Adyanthaya was delivered with regard to the medical representatives of the pharmaceutical industry.

8. I have gone through very carefully both the case laws (Supra) as relied upon by the learned counsel of the respective parties. If the case law of H. R. Adyanthaya (1995) (1) S. C. T. 277, the Hon'ble Supreme Court has stated the persons who comes under the definition of workman as defined by the I. D. Act, 1947 in Section 2s. It is true that H. R. Adyanthaya case law was given by the Hon'ble Supreme Court in the case of medical representatives but at the same time it also stated the persons who are covered by the definition of 'workman' under the I. D. Act, 1947 and very specifically, it has stated that the workman who are involved in the promotional activities of an industry are not covered by the definition of 'workman' under the I. D. Act, 1947. In para 27 of H. R. Adyanthaya case law reported in 1995 (1) S. C. T. 277 the Hon'ble Supreme Court has laid down that 'the definition of "Workman" under the I. D. Act will obviously not cover the sales promotion employee'. The Hon'ble Supreme Court further held that interpretation was specifically rejected by this Court in May & E. er, VIMCO.

Burmashell and a Sunderambal case (Supra). Although such all interpretation was given in S.K. Verma; Delton cables and Ciba Gigy cases (Supra), the legislature impliedly did not accept the said interpretation as is evident from the facts that instead of amending the definition of "workman" on the lines interpreted in the said latter cases, the legislation added three specific categories viz. unskilled, skilled and operational.'

9. In view of the above observations and law laid down by the Hon'ble Supreme Court in H. R. Adyanthaya vs. Sandoz (India) Ltd., I hold that the petitioner is not covered by the definition of the 'workman' as defined in the I.D. Act. 1947. Undoubtedly, the Development Officer of the Insurance Corporation also look after the promotional work of the business of the Insurance Companies. I am, therefore, of the opinion that this tribunal has no jurisdiction to decide this reference. The reference is accordingly returned to the Ministry with the aforesaid observations. Central Government be informed.

Chandigarh.

Dated : 21-1-2003.

S. M. GOEL, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 912.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया इश्यूरेन्स कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 74/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-17012/40/95-आई. आर. (बी-II)]

सी. गंगाधरान, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 912.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/97) of the Central Government Industrial Tribunal-cum-LC, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New India Insurance Company Ltd. and their workman, which was received by the Central Government on 6-2-2003.

[No. L-17012/40/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer

Shri S. M. Goel

Case No. ID 74/97

Sh. Ganpat Rai Aggarwal
through Sh. Karam Singh
4093, Maloya Colony,
Chandigarh.

.....Applicant.

V/S

Regional Manager,

New India Assurance Company Ltd.

S.C.O.No. 36-37, Sector 17-A,

Chandigarh.

...Respondent.

REPRESENTATIVES

For the workman : Sh. D.S. Raghu

For the management : Sh. N.K. Zakhmi

AWARD

(Passed on 22-1-2003)

The Central Government Ministry of Labour vide Notification No. L-17012/40/95-I.R. (B-II) dated 30th December, 1996 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of New India Assurance Co. Ltd. in terminating the services of Sh. Ganpat Rai Aggarwal w.e.f. 4-1-95 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?"

2. In the claim statement it is pleaded by the workman that he joined the Management on 27-12-1988 as Assistant (clerical) at Patiala and he was later on transferred to Ludhiana where on 4-1-1995 his services were terminated. It is pleaded that one charge sheet was served and reply to which has been filed by the applicant. Without considering the reply domestic enquiry was conducted in a mechanical way. It is further pleaded that charge sheet was vague. It is further pleaded that workman is a handicapped person and he cannot slap 4/5 persons as was alleged in the charge sheet. The documents were not supplied to him and workman was not provided reasonable opportunity to defend himself in the enquiry. It is further pleaded that workman was suffering from M.D.P. (Mania) and on 22-2-1994 he was not fit and during the period of this situation he became semi-conscious and he was not aware of any happening. He also remained under the treatment of Dr. Kala Nursing Home w.e.f. 22-2-1994 to 14-3-1994

from where he received his routine treatment. Personal hearing was not provided to the workman by the appellate authority and no show cause notice was issued. The Appellate Authority dismissed the appeal of the applicant in haste. All the authorities of the Management ignored the physical condition of the workman. It is further pleaded that he is innocent and prayed for reinstatement in service with full back wages and other service benefits.

3. The management in written statement pleaded that the workman was guilty of serious acts of misconduct as he also misbehaved with Mrs. Surekha Gupta and other officials. Enquiry Officer was appointed and he conducted the enquiry in fair and proper manner. The Disciplinary Authority imposed the penalty of removal from service which is in accordance with the law. Appellate Authority also considered his pleas and his appeal was also dismissed. The punishment is proportionate to the misconduct of the workman and the management prayed for the rejection of the reference.

4. Replication was also filed reiterating the claim made in the claim statement.

5. Both the parties have filed affidavits along with their documents.

6. Arguments were heard on the departmental enquiry. The workman has also filed written arguments. The Management through his learned counsel has only addressed oral arguments. The learned counsel for both the parties took me to all the enquiry proceedings which were held by the department. The learned counsel for both the parties have failed to point me out any irregularity or illegality in the departmental enquiry proceedings. The learned counsel for the Management has, therefore, submitted that the termination of the workman is legal and justified.

7. On the other hand the learned counsel for the workman has argued that even if it be admitted that the enquiry is legally correct and justified, yet, the authorities failed to note the mental condition of the workman. Whatever alleged misconduct was committed by the workman was not intentional nor knowing fully it was done. He had no knowledge about it. Even Surekha Gupta one of the complainant about the incident has stated that just after the occurrence with her the workman apologized and even the wife of the workman came there and took the workman away and told her that the workman was not mentally fit. The wife of the workman and the brother of the workman also apologized to all the persons about the misconduct of the workman. She also stated that to her mind the workman was not mentally fit and nor ever earlier the workman misbehaved in such manner. All other witnesses also Viz. Jagdish Singh, has stated that the next day the wife of the workman came and she told them that the mental condition of her husband was not correct.

8. The learned counsel for the workman has also drawn my attention to the photocopy of the medical certificate of Dr. Kala Nursing Home, Ludhiana, wherein he has stated that Ganpat Aggarwal was suffering from M.D.P. (Mania) and he was admitted in the hospital from 22-2-1994 to 4-3-1994 and was further advised rest from 4-3-1994 to 14-3-1994. The learned counsel for the workman has argued that in the enquiry proceedings, the authorities have failed to attach importance to this document. He has also argued that otherwise also Ganpat Aggarwal workman is a disabled person.

9. He has thus appealed to the mercy of the Tribunal to be lenient while awarding the punishment as is provided U/S 11-A of the I.D. Act 1947 as the punishment is not commensurate in the circumstances of the case.

10. I have given a thoughtful consideration to the arguments of both the learned counsels. From the departmental enquiry, it is evident that the workman had committed misbehaviour and had even assaulted some of the persons present there in the office. But at the same time practically all the persons have stated that at the time of incident Ganpat Aggarwal workman was not mentally fit. On record also, there is no such incident as from it, it may be gathered that earlier also, he might have misbehaved. Day after the occurrence, the wife of the workman came in the office and apologized to all the persons with whom the workman had misbehaved stating that he was not mentally fit and this fact is well corroborated by the medical certificate which has also not been disbelieved during the enquiry. Thus the conduct of the workman may not be stated to be an intentional or with knowledge and the least the punishment awarded to the workman is not commensurate with the circumstances of the case. I am of the opinion that ends of justice will meet if the punishment of the workman is reduced to stoppage of five increments for one year and his back wages are also reduced to fifty per cent however with continuity of service and with all attendant benefits. To be very clear and specific, I may repeat that while reinstating of the workman the punishment is substituted to stoppage of five increments for one year and the back wages which are given to the workman, are reduced to 50% and the workman will be entitled to continuity of service with all attendant benefits exercising my powers U/s 11-A of the I.D. Act 1947. The reference is answered accordingly. Central Government be informed.

Chandigarh

Dated : 22-1-2003

S. M. GOEL, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 913.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी.

ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 166/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-03 को प्राप्त हुआ था।

[सं. एल-17012/59/96-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 913.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 166/97) of the Central Government Industrial Tribunal-cum-LC, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 06-02-03.

[No. L-17012/59/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer Shri S. M. Goel

Case No. I.D. 166/97

Sh. Devinder Bansal, H. No. 3041,

Sector 15-A,

Chandigarh.

.....Applicant.

V/s.

Senior Divisional Manager,

LIC of India, Sector 17-B,

Jeewan Prakash Building,

Chandigarh-160017.

.....Respondent

Representatives

For the workman : Sh. H. R. Bansal

For the management : Sh. B. J. Singh

AWARD

(Passed on 21-1-2003)

The Central Govt. Ministry of Labour vide Notification No. L-17012/59/96-I.R. (B-II) dated 5th September, 1997 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of LIC of India in awarding punishment of removal from service of Shri Devinder Bansal w.e.f. 1-11-95 alongwith recovery of misappropriated amount from him is legal and justified? If not, to what relief the said workman is entitled?"

2. Brief facts of the case according to the applicant are that he was appointed as a development officer with the management on 27-8-1987 and his work and conduct was satisfactory and he was also conferred with the honour of crorepati development officer by the management. It is pleaded that he was issued the charge sheet which was replied by the applicant and after the enquiry officer was appointed, the enquiry officer had not conducted the enquiry in a fair and proper manner. The enquiry was not since conducted in accordance with the principles of natural justice. The complainant was not even produced during the enquiry proceedings. The Disciplinary Authority also did not apply its mind while imposing the punishment. It has been pleaded that the punishment was also excessive and was not commensurate to the gravity of the charges. It has, therefore being prayed on behalf of the applicant that he be reinstated in service with full back wages and with all attendant benefits.

3. The management filed their written statement. Preliminary objection has been taken that the Development Officer of the LIC is not covered under the definition of a 'workman' as provided under I. D. Act, 1947 and therefore, this Tribunal has no jurisdiction to entertain the present reference. The Management also filed their written statement on the merits of the case and all the averments made by the applicant were denied. The management, therefore, submitted that the applicant was not a workman and therefore, the reference cannot be adjudicated upon by this Tribunal.

4. Rejoinder was also filed by the applicant reiterating his earlier claim.

5. Both the parties also filed their respective affidavits alongwith their document. The parties also examined their witnesses.

6. A preliminary objection was thus raised by the management about the jurisdiction of this Tribunal. Raising the issue that the Development Officer of the L.I.C. are not covered by the definition of the 'workman' as provided under the I. D. Act, 1947, in this context he has pointed out that one of the most important duty of the Development Officer of the Insurance Company is that he also promotes the business of the Insurance Company? For his arguments he has relied on 1995 (1) S. C. T. page 255 H. R. Acyanthaya Vs. Sandoz (India) Ltd.

7. On the other hand, the learned counsel for the petitioner has relied on AIR 1984 Hon'ble Supreme Court 1462 S. K. Verma Vs. L.I.C. The learned counsel for the petitioner relying on this case law, has argued that the Development Officer of the L.I.C. are workman. He has also argued that the case law of S. K. Verma Vs. L.I.C. was delivered by the Hon'ble Supreme Court in the case of Development Officers of the L.I.C. While the case law of H.R. Adyanthaya was delivered with regard to the medical representatives of the pharmaceutical industry.

8. I have gone through very carefully both the case laws (Supra) as relied upon by the learned counsel of the respective parties. In the case of law H. R. Adyanthaya (1995) (1) S. C. T 277, the Hon'ble Supreme Court has stated the persons who comes under the definition of workman as defined by the I. D. Act, 1947 in Section 2s. It is true the H. R. Adyanthaya case law was given by the Hon'ble Supreme Court in the case of medical representatives but at the same time it also stated the persons who are covered by the definition of 'workman' under the I. D. Act, 1947 and very specifically, it has stated that the workman who are involved in the promotional activities of an industry are not covered by the definition of 'workman' under the I. D. Act, 1947. In para 27 of H. R. Adyanthaya case law reported in 1995(1) S. C. T. 277, the Hon'ble Supreme Court has laid down that 'the definition of "workman" under the I. D. Act will obviously not cover the sales promotion employees'. The Hon'ble Supreme Court further held that 'interpretation was specifically rejected by this Court in May & Baker, WIMCO, Burma Shell and A Sundarambal case (Supra). Although such all interpretation was given in S. K. Verma; Delton Cables and Ciba Gigy cases (Supra), the Legislature impliedly did not accept the said interpretation as is evident from the facts that instead of amending the definition of "workman" on the lines interpreted in the said latter cases, the legislation added three specific categories viz. unskilled, skilled and operational.'

9. In view of the above observations and law laid down by the Hon'ble Supreme Court in H. R. Adyanthaya Vs. Sandoz (India) Ltd., I hold that the petitioner is not covered by the definition of the 'workman' as defined in the I. D. Act, 1947. Undoubtedly, the Development Officer of the Insurance Corporation also look after the promotional work of the business of the insurance companies, and, therefore I am of the opinion that this Tribunal has no jurisdiction to decide this reference, the reference is accordingly returned to the Ministry with the aforesaid observations. Central Govt. be informed.

Chandigarh
21-1-2003

S. M. GOEL, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 914.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 678/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-03 प्राप्त हुआ था।

[सं. एल-17013/12/98-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 914.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 678/2001) of the Central Government Industrial Tribunal-cum-LC, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India, and their workman, which was received by the Central Government on 06-02-03.

[No. L-17013/12/98-IR(B-II)]

C. GANGADHARAN, Under Secy,

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Thursday, the 26th December, 2002

Present : K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 678/2001

(Tamil Nadu Principal Labour Court CGID No. 315/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the workmen and the Management of LIC of India, Chennai-]

BETWEEN

The General Secretary, : I Party/Claimant
LIC Employees Union,
Chennai.

AND

The Senior Divisional Manager, : II Party/Management
LIC of India, Chennai.

Appearance:

For the Claimant : Mr. A. Rahul,
Advocate

For the Management : Mr. P. V. Raghavan,
Advocate

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-17013/12/98/IR(B-II) dated 28-05-99.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, Chennai, where the same was taken on file as CGID No. 315/99. When the matter was pending enquiry in that Principal Labour Court, the

Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Tamil Nadu Principal Labour Court, this case has been taken on file as I.D. No. 678/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 24-10-2001 with their respective parties and to prosecute this case further. Accordingly, learned counsel on either side along with their respective parties have appeared and prosecuted this case further. The Claim Statement of the I Party/Claimant and the Counter Statement of the II Party/Management were filed earlier before the Tamil Nadu Principal Labour Court, Chennai, when the matter was pending there for adjudication.

Upon perusing the Claim Statement, Counter Statement, the documentary evidence let in on the side of II Party/Management alone, the other material papers on record, and this matter having stood over till this date for consideration, this Tribunal has passed on merits, the following:

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :

"Whether the LIC of India through the Senior Divisional Manager is justified in imposing the punishment on Sri R. Radhakrishnan, Assistant is legal and justified? If not what relief is the workmen entitled to?"

2. This industrial dispute has been raised by the I Party/Claimant LIC Employees Union espousing the cause of the workman Sri R. Radhakrishnan by challenging the action of the Senior Divisional Manager of Life Insurance Corporation of India, Chennai in imposing the punishment on the concerned workman by reduction in his basic pay by one stage as illegal and unjustified. The facts of the case in brief are as follows:

The Life Insurance Corporation of India was established on 1-9-1956 by an Act of Parliament, 1956. The terms and conditions of service of staff of Life Insurance Corporation of India is governed by Staff Regulations, 1960 framed in exercise of powers vested under clause (b) and (bb) of sub-section 2 of Section 49 of Life Insurance Corporation Act, 1956 with previous approval of Central Govt. and publication in Gazette. The staff regulations thus have statutory force. In accordance with the prevailing practice, the branch office of Life Insurance Corporation of India whenever Cashiers are absent from duty for unforeseen or on leave, employees empanelled in the panel of assistance prepared for the specific purpose to act as cashiers in officiating capacity

will be asked to take over the assignment purely on temporary nature. In respect of the employees' service, it is mentioned under Chapter III of Regulation 20 as follows:

"Unless in any case it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the corporation and he shall serve the Corporation in its business in such capacity and at such place as he may from time to time be directed."

Under regulation 21, it is stated that 'every employee of the Corporation shall at all times maintain absolute integrity and devotion to duty and shall conform to and abide by these regulations and shall observe comply with and obey all orders and directions which may from time to time be given to him in the course of his official duties by any person or persons under whose jurisdiction superintendence or control he may for the time being be placed. In accordance with the prevailing practice, the branch office of Life Insurance Corporation of India whenever cashiers are absent from duty for unforeseen reason or on leave, employees empanelled in the panel of assistance prepared for the specific purpose to act as cashiers in officiating capacity will be asked to take over the assignment purely of temporary nature. The case of the Petitioner Union is that Life Insurance Corporation of India has framed regulations for the post of officiating cashier. As per the regulations, the office may select confirmed assistant with good work record as officiating cashier in the leave or replacement vacancy. The office should prepare a panel of assistants, who are eligible to officiate the post of cashier. The concerned workman Sri R. Radhakrishnan initially worked as cashier from July, 1988. Due to mental strain and eye deficiency, he could not continue as cashier. Therefore, he requested the Senior Divisional Manager, Life Insurance Corporation of India Madras Division dated 26-12-89 to revert him to the post of Assistant. Further, he is an active participant in trade union movement and he has been questioning the malpractices committed by the management from time to time. The concerned workman Sri R. Radhakrishnan has also been striving for preserving industrial peace. The Petitioner's Union had also, requested the earlier Senior Divisional Manager, who had been assuring to do the needful left on promotion and the new Sr. Divisional Manager on taking over the office has started neglecting the Petitioner's Union's request. While so, a panel of 26 Assistants was drawn including the name of the concerned workman on 1-4-94 and 2-1-95 respectively. The Petitioner Union as well as the concerned workman Sri R. Radhakrishnan represented to the Sr. Divisional Manager to delete the names of the office-bearers of the union from the said panel, on the ground that they have to discharge their union activities when called upon to do so during office hours. The Sr. Divisional Manager also assured that this issue would be taken up and discussed with the Branch Manager. The Petitioner Union also brought to the notice

of the management that office bearers of other unions are enjoying some privileges regarding their duties. Without prejudice to the representation made by Petitioner Union, the office bearers of the Union including Sri R. Radhakrishnan have been attending their duties as per the roster fixed by the management. Suddenly to the shock and surprise of the concerned workman, Sri R. Radhakrishnan was issued charge memo alleging that he had refused to act as cashier in absence of one of the regular cashiers on 9-6-95 thereby caused hardship and inconvenience to the policyholders resulting in dislocation of branch work. Secondly, it is alleged that Sri R. Radhakrishnan refused to receive a letter dated 9-6-95 sent by Branch Manager calling for explanation and the letter sent by registered post to the residence of the concerned workman Sri R. Radhakrishnan also returned undelivered with an endorsement refused. The said charge-sheet dated 10-7-95 was served on the workman on 1-8-95. The concerned workman submitted a detailed explanation stating that there was a confusion in fixing up turn as two panels of assistants for the post of officiating cashier were in force and the management did not have any idea as to whether which panel has to be followed for fixing of turns. The Petitioner Union also has raised this issue with the management and the same was not considered. The letter which was sent by registered post contained wrong door number, therefore, it could not be served and the concerned workman Sri R. Radhakrishnan has been chargesheeted vindictively with a view to curtail his legitimate trade union activities. On receipt of the explanation dated 1-8-95 submitted by Sri R. Radhakrishnan, an Enquiry Officer was appointed. Thereafter, an enquiry was conducted against the concerned workman Sri R. Radhakrishnan in total disregard of the principles of natural-justice. The concerned workman was not furnished with a list of documents and names of witnesses before the commencement of the domestic enquiry. The Enquiry Officer gave perverse findings on 26-3-96 and the concerned workman was issued a show cause notice dated 25-4-96 by the Respondent calling upon him to show cause as to why he should not be punished. The concerned workman submitted a detailed explanation on 30-5-96 to Respondent. Without considering the explanation submitted by concerned workman, the Respondent has passed a final order dated 19-6-96 and imposed the penalty of reduction by one stage in basic pay in time scale applicable to him. The order passed by Respondent is arbitrary, illegal and unjust and liable to be set aside. The workman acted as cashier on so many occasions to help the administration. After having been selected as office bearer of the zonal committee of the federation, the delinquent workman has been requesting the senior Branch Manager for exempting the office bearers of the union from the post of officiating cashier. The concerned workman Sri R. Radhakrishnan had also represented that he was unable to officiate the post of cashier due to

deficiency in eye sight. However, no action was taken by the Respondent/Management in this regard. It was not the Petitioner's turn to act as cashier on 9-6-95 and the Petitioner Union had also submitted documents to establish the same. However, the Respondent charge sheeted the workman Sri R. Radhakrishnan vindictively as the employee questioned the malpractice of Branch Manager in preparing the panel. The concerned workman Sri R. Radhakrishnan was chargesheeted with respect to the incident allegedly occurred on 9-6-95 wherein the course of enquiry proceedings, the concerned workman was examined for several other charges without giving any opportunity to him. Hence, the punishment imposed by Disciplinary Authority has to be set aside. The Enquiry Officer did not take into consideration of the fact that the letter dated 9-6-95 was addressed to a wrong door number 304 instead of 34 and therefore, the letter was not delivered to workman. The Enquiry Officer failed to consider the fact that the workman left the office on seeking permission from his superior at 4.00 pm itself whereas the said letter purported to be served on the concerned workman contained a note that delinquent employee was called by Branch Manager to his cabin at 4.05 pm and he refused to receive the said letter. On 26-12-89 the concerned workman requested the management for exemption from acting as cashier on health grounds. In 1992, the workman was reverted to the post of Assistant on medical grounds. Even before drawal of panel i.e. 2-1-95, the workman has asked for exemption but that was not considered. Hence, it is clear that the concerned workman was vindictively chargesheeted for having been office bearer of the trade union. The punishment imposed by the Disciplinary Authority on concerned workman which was confirmed by Appellate Authority is illegal, arbitrary, violative of Article 14 of Constitution of India. The Officer's services and P.I.R. Manual governs the post of officiating cashier which clearly states that office may select confirmed assistants with good record to work as officiating cashier. When the workman had asked for exemption from acting as a cashier on medical grounds, the same was not considered whereas in the panel prepared by Respondent out of 25 eligible Assistants, 4 Assistants namely Janaki, T. Kannan, Sridharan Nair and Subramaniam were given exemption on various grounds. However, in respect of the workman alone the Respondent took a different decision and he has been made as scapegoat in the name of preserving discipline. It is totally incorrect to state that the services of policyholder were disrupted on account of refusal on the part of workman to act as cashier on 9-6-95 as all other 19 assistants are very much available in the office on the said date. In the circumstances, it is just and essential that the order passed by the Disciplinary Authority dated 19-6-96 as confirmed by the Appellate Authority is liable to be set aside and consequently the arrears of salary has to be reimbursed. Hence, it is prayed that this Hon'ble Court may be pleased to pass an award

holding that the punishment imposed on the concerned workman Sri R. Radhakrishnan as unjustified and consequently direct the Respondent to pay arrears of salary w.e.f. 19-6-96 and award costs.

3. The II Party/Management Life Insurance Corporation of India Chennai has filed a Counter Statement refuting the averments of the Petitioner Union in their Claim Statement. They are briefly as follows:—

Sri R. Radhakrishnan was asked to officiate on 9-6-95 as cashier since the regular cashier has not turned up and with a view to avoid any inconvenience to the policyholders, who were come to pay their premiums, loan interest etc. and the said Radhakrishnan refused to officiate as cashier, though he was in the panel for the said purpose and this act of the concerned workman Sri R. Radhakrishnan in refusing to obey the orders of Branch Manager is a flagrant violation of Regulation 21. A letter was addressed to the employee to explain as to why action should not be initiated against him for dereliction of duty. The employee refused to receive the said letter and hence the letter sent by registered post was returned on the ground the door number was not correctly mentioned. The defence of the employee for not officiating as cashier on that specific day was that he was on zonal committee of office bearers of All India Life Insurance Employees Federation and that it was difficult for him to act as a cashier in officiating capacity. In view of the unsatisfactory reply and the questionable defence taken by the employee, a charge sheet was issued on 10-7-95 to which a reply was sent by the concerned employee on 1-8-95 refuting the charge and concluded his reply by saying that he had not violated any section of Staff Regulations. Since Sri Radhakrishnan is an Assistant Class III cadre, the Disciplinary Authority is Divisional Manager/Senior Divisional Manager and the Appellate Authority for all penalties is the Zonal Manager and final Appellate Authority is the Chairman. The Divisional Manager as a competent authority under Regulation constituted an enquiry under Regulation 39(3) of Staff Regulations. The enquiry was conducted upholding all the cardinal principles of natural justice providing enough and ample scope to the concerned workman to establish his defence. It is not correct to state that the enquiry conducted was not according to principles of natural justice. The defence of the employee was that as an office bearer of the Union, he could not attend to the work of an officiating cashier runs counter to well established and accepted principles of constructive trade union activity. Moreover, the concerned employee is not a protected workman under sub-section (4) of Section 33 of Industrial Disputes Act, 1947. The concerned employee even on earlier occasions refused to act as officiating cashier. The allegation that because he was asked to officiate as cashier was to curtail his legitimate trade union activities and this concept of legitimate trade union activities during office hours is

totally misconceived. The enquiry was conducted and the enquiry reported dated 26-3-96 holding the employee guilty of the charge was forwarded to Divisional Manager, who is the Disciplinary Authority. After going through the enquiry report and concurred with the findings of the Enquiry Officer, the Disciplinary Authority issued a show cause notice dated 25-4-96 proposing a penalty of Reduction in his basic pay by a few stages in the time scale of pay applicable to the concerned employee in terms of regulation 39(1)(d) of Staff Regulation. The charge sheeted employee submitted his reply dated 30-5-96 to show cause notice once again denying the charges. The Disciplinary Authority though not convinced with the reply took a lenient view and issued an order dated 19-6-96 implementing the penalty of reduction in his basic pay by one stage in the time scale of pay applicable to him under Regulation 39(1)(d) of Staff Regulations, a lesser punishment than what was proposed in show cause notice. Aggrieved by the order dated 19-6-96, the charge sheeted employee preferred an appeal to Zonal Manager on 20-7-96 to consider the punishment imposed on him. The Zonal Manager in a detailed and well reasoned order touching all the facts of the issue, agreed with the order dated 19-6-96 but reduced the penalty of reduction in his basic pay by one step and rejected the appeal on 10-1-97. The charge sheeted employee preferred a Memorial to Chairman under Regulation 49 of Staff Regulation, 1960. The Chairman after perusing the entire papers in all his aspects passed a well reasoned order rejecting the memorial on 8-1-97. Considering the gravity of the misconduct the punishment imposed on the concerned charge sheeted employee is minimal and the charges are well founded. There has been no miscarriage of justice in the matter of awarding the punishment. At no point of time from the issuance of 1st letter dated 10-6-95 on the misconduct committed by the concerned employee till the rejection of Memorial by Chairman, there has not been any act of violation on the part of the II Party/Management and the punishment imposed on the employee is warranted by the circumstances. This Hon'ble Court will consider the imperative necessity of enforcing the discipline so that there will not be any inroads to the administrative efficiency. There is no case upholding the stand of the Union challenging the punishment imposed on its member on 19-6-96, and the claim of the Petitioner Union may be dismissed.

4. When the matter was taken up for enquiry, no one has been examined on either side as a witness and no document has been marked as an exhibit on the side of the I Party/Claimant. 12 documents filed on the side of the II Party/Management were marked by consent as Ex.M1 to M12. In spite of the matter has been adjourned to various dates for the counsel on either side to advance their respective arguments, they have not advanced their respective arguments. Hence, orders were reserved to

decide the matter on merits, with the available materials and records with a permission to both the parties to file their written arguments within a week. Even after the expiry of week's time granted in the last hearing, no written argument has been filed on either side.

5. The point for my consideration is —

“Whether the LIC of India through the Senior Divisional Manager is justified in imposing the punishment on Sri R. Radhakrishnan, Assistant is legal and justified? If not what relief is the workman entitled to?”

Point: —

This industrial dispute has been raised by I Party/ Claimant, General Secretary, LIC Employees Union, Chennai, espousing the cause of the workman Sri R. Radhakrishnan challenging the action of the Senior Divisional Manager, LIC, Madras Division in imposing the punishment on the concerned workman by reduction in basic pay by one stage in the present time scale of the date of the order by an order dated 19-6-96. The xerox copy of that order is Ex.M 10. The concerned workman was issued a charge memo alleging that he had refused to act as a cashier in the absence of one of the regular cashiers on 9-6-95 and thereby caused hardship and inconvenience to the policyholders resulting in dislocation of the branch work and that he refused to receive a letter dated 9-6-95 sent by the Branch Manager calling for explanation and the letter sent by Registered Post to his residence returned undelivered with an endorsement 'refused'. The xerox copy of the charge sheet dated 10-7-95 is Ex.M1. As directed in the charge sheet, the concerned workman Sri R. Radhakrishnan has submitted his reply to the charge memo. The xerox copy of the same is Ex.M2. Having not satisfied with the reply given by the concerned workman, the Respondent/Management has conducted an enquiry for the charges levelled against the concerned workman. The concerned workman the charge sheeted employee requested the management with his letter dated 26-9-95 to grant him permission to avail the assistance of one Sri V. Radhakrishnan, Assistant in P & A Department. As per his request, the management had permitted him to avail the assistance of the concerned person. The xerox copy of that letter dated 29-9-95 is Ex. M3. Then the enquiry was conducted. The xerox copy of the proceedings of the enquiry is Ex.M4. At the conclusion of the enquiry, the Presenting Officer has filed his summing up of the proceedings dated 27-12-95. The xerox copy of the same is Ex.M5. Like that the defence assistance also has made his written representation dated 27-1-96. The xerox copy of the same is Ex.M6. On conclusion of the enquiry, the Enquiry Officer has submitted his report dated 26-3-96 with his finding that the charge sheeted employee is guilty of the charges framed against him. The xerox copy of the enquiry report is Ex.M7. On the basis of the findings

of the Enquiry Officer in his report, a show cause notice dated 25-4-96 was issued by the Disciplinary Authority to the concerned workman Sri R. Radhakrishnan. The xerox copy of the same is Ex.M8. The concerned workman has given his written reply dated 30-5-96 for the show cause notice dated 25-4-96. The xerox copy of his reply is Ex.M9. After considering the report of the Enquiry Officer and the reply given by the concerned workman for the proposed punishment mentioned in the 2nd show cause notice, the Disciplinary Authority has passed the final order dated 19-6-96 by imposing the penalty of reduction in basic pay by one stage in the then time scale of pay applicable to the concerned workman. Then the concerned workman has preferred an appeal to the Zonal Manager against the order passed by the Disciplinary Authority. After considering the appeal and the entire records, the Appellate Authority has passed an order dated 10-1-97 confirming the order of penalty passed by the Disciplinary Authority against the concerned workman for reduction in his basic pay by one stage. Then the concerned workman has preferred a revision to the Chairman of LIC against the order of Appellate Authority confirming the order of Disciplinary Authority in imposing the punishment against him. After considering the Memorial dated 1-3-97 of concerned workman Sri R. Radhakrishnan, the Chairman, LIC of India has passed an order dated 8-11-97 rejecting the Memorial. The xerox copy of the same is Ex. M12.

6. The contention of the Petitioner Union that the enquiry was conducted against the concerned workman Sri R. Radhakrishnan in total disregard of principles of natural justice and the Enquiry Officer gave perverse findings and without considering the explanation submitted by the workman to the 2nd show cause notice, the Respondent has passed a final order imposing the penalty of reduction by one stage in basic pay in the time scale applicable to him and the said order passed by the Respondent is arbitrary, illegal and unjust. It is their further contention that after having been selected as office bearer of the zonal committee of the federation, the concerned workman has been requesting the Senior Branch Manager for exempting the office bearers of the union from the post of officiating cashier and he has also represented that he was unable to officiate the post of cashier due to deficiency in eye sight, however, no action was taken by the Respondent/Management in this regard and that in the course of enquiry proceedings the concerned workman was examined against several other charges, without giving any opportunity to him and that the workman has been vindictively charge sheeted for having been the office bearer of the trade union. Refuting the contention of the I Party/Claimant Union, the Respondent/Management has alleged in their Counter Statement that the concerned workman was asked to officiate on 9-6-95 as cashier since the regular cashier has not turned up but the said

Sri R. Radhakrishnan refused to officiate as cashier though he was in the panel for the said purpose and this act of Sri R. Radhakrishnan in refusing to obey the orders of Branch Manager is a flagrant violation of Regulation 21 of the Staff Regulations Conduct, Discipline and Appeals and that the enquiry was conducted upholding all the cardinal principles of natural justice providing enough and ample scope to the employee to establish his defence and that it is not correct to state that the enquiry conducted was not according to the principles of natural justice and that the defence of the employee that because he was an office bearer of the union, he could not attend to the work of an officiating cashier runs counter to the well established and accepted principles of constructive trade union activities.

7. To substantiate the contention of the Petitioner Union in their Claim Statement, that the enquiry was conducted against the workman Sri R. Radhakrishnan in total disregard of principles of natural justice, no evidence oral or documentary has been let in by the Petitioner before this Tribunal. Further, the contention of the Petitioner Union in the Claim Statement that the Enquiry Officer gave perverse findings in his report seems to be not correct on a perusal of the enquiry proceedings Ex. M4. From Ex. M4, the xerox copy of the enquiry proceedings, it is seen that the charge sheeted employee has taken part in the enquiry along with his defence assistant and cross examined the witnesses, examined by the Respondent/Management. So it belies the contention of the Petitioner that the enquiry was conducted against the concerned workman in total disregard of principles of natural justice. It is also contended in the Claim Statement that the workman was not furnished with the list of documents and names of the witnesses before the commencement of domestic enquiry. It is seen from Enquiry Officer's report that the charge sheeted employee gave an application for a list of documents required by him and as desired by him, the documents were handed over to him and as to his request, for bank management's order giving exemption to few employees, the charge sheeted employee was made to understand that no such order was issued. The perusal of the entire proceedings before the Enquiry Officer, Disciplinary Authority, Appellate Authority as well as Memorial to Chairman of Life Insurance Corporation of India clearly shows that the concerned workman has not taken a stand before them that he was prejudiced for non-furnishing of list of documents and names of witnesses before the commencement of the domestic enquiry. In the written brief filed by defence assistant under Ex. M6 also, nothing has been stated that the charge sheeted employee has been prejudiced for non-supply of the list of documents as well as list of witnesses before commencement of the domestic enquiry. On the other hand, from a perusal of Enquiry Officer's report, it is seen that the concerned charge sheeted employee was furnished

with the records, he wanted to peruse at the earliest point of time, before the commencement of enquiry. Further, from the perusal of the entire proceedings of the Enquiry Officer, it is clearly seen that he has given his finding in his report that the charges levelled against the concerned workman have been proved on the basis of the evidence placed before him, so it cannot be said that the Enquiry Officer has given a finding without any basis or evidence. Under such circumstances, the contention of the Petitioner Union in the Claim Statement that the findings of the Enquiry Officer is perverse is incorrect. It is seen from the materials available in this case that the request of the Petitioner Union for the workman concerned to exempt him as an office bearer of the union from the post of officiating cashier has not been accepted by the Respondent/Management, as no order to that effect has been passed by the management, the Petitioner Union themselves has stated in the Claim Statement that the representation made by concerned workman as well as the Union to the Respondent/Management to exempt the concerned workman on the ground that he happens to be an office bearer of the union and also on the ground that he was unable to appreciate the post of cashier due to deficiency in his eyesight, no action was taken by the Respondent/Management in that regard. So under such circumstances, when no exemption has been granted to the concerned workman in spite of his representations to the Respondent/Management, he has no right to refuse the instructions of the Branch Manager to officiate as cashier, when the regular cashier has not turned up and especially when the concerned workman was in the panel for the said purpose. As contended by the Respondent/Management in their Counter Statement that as an employee of the Respondent Corporation, the concerned workman has got a liability to abide the regulations under the terms and conditions of service of Staff of the LIC who are governed by Staff Regulations, 1960. Under Regulation 21, it is stated that every employee of the corporation shall obey all orders and directions which may from time to time be given to him in the course of his official duties by any person or persons under whose jurisdiction superintendence or control he may for the time being be placed. It is clearly averred in charge memo Ex. M1 that the concerned workman by refusing to act as Cashier on 9-6-95 and by returning the registered post communication with an endorsement refused by the postal authority for the letter dated 9-6-95 sent by Branch Manager calling for explanation the concerned workman had failed to maintain absolute integrity and devotion to duty and failed to serve the corporation honestly and faithfully and thereby have violated the Regulation 21 of Life Insurance Corporation of India Staff Regulation, 1960, it can be considered as a misconduct warranting imposing of penalty under Regulation 39(1) of Staff Regulations, 1960. From the materials available in this case, it is clearly seen that the charge levelled against the concerned workman has been

established with ample evidence and hence, the findings of the Enquiry Officer cannot be interfered with by this Tribunal.

8. The Disciplinary Authority on the basis of the findings given by the Enquiry Officer in his report proceeded further and issued 2nd show cause notice proposing the punishment to be imposed for the proved misconduct of the concerned workman by providing him an opportunity to give his reply for the 2nd show cause notice under Ex. M8. The concerned workman also has submitted his reply under Ex. M9. Considering all these things, the Disciplinary Authority has passed his final order by imposing the punishment of reduction in basic pay of the concerned workman by one stage in the then existing time scale applicable to him which is lesser than the proposed punishment in Ex. M8 2nd show cause notice and the same has been subsequently modified by the Appellate Authority under Ex. M11 and the same has been confirmed by the Chairman Life Insurance Corporation of India under Ex. M12. So, under such circumstances, it cannot be considered that the punishment imposed against the concerned workman for the proved misconduct is disproportionate to the gravity of the offence. Further, for the allegation of the Petitioner Union that the action of the Respondent/Management is a vindictive one against the concerned workman also has not been established before this Tribunal with acceptable evidence. Under such circumstances, it can be concluded that the Respondent/Management Life Insurance Corporation of India through Senior Divisional Manager is justified in imposing the punishment on the concerned workman Sri R. Radhakrishnan, Assistant and the said action is legal and justified. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

9. In the result, an Award is passed holding that the concerned workman Sri R. Radhakrishnan is not entitled to any relief claimed by the I Party/Union on his behalf since the punishment imposed on him by the Respondent/Management Life Insurance Corporation of India through Senior Divisional Manager is legal and justified. No Cost. (Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 26th December, 2002:)

K. KARTHI KEYAN, Presiding Officer

Witnesses Examined:—

On either side : None

Documents Exhibited:—

For the I Party/Claimant:— Nil

For the II Party/Management:—

Ex. No. Date Description

M1 10-07-95 Xerox copy of the charge sheet issued to concerned workman by the Respondent/Management

M2	01-08-95	Xerox copy of the reply submitted by concerned workman to charge sheet
M3	29-09-95	Xerox copy of the letter from Respondent to concerned workman granting permission to avail assistance in enquiry proceedings
M4	26-09-95 13-12-95	to Xerox copy of the enquiry proceedings
M5	27-12-95	Xerox copy of the summing up of proceedings against the concerned workman submitted by Respondent before Enquiry Officer
M6	27-01-96	Xerox copy of the defence brief submitted by concerned workman to Enquiry Officer
M7	26-03-96	Xerox copy of the enquiry report
M8	25-04-96	Xerox copy of the show cause notice
M9	30-05-96	Xerox copy of the reply to show cause notice submitted by concerned workman
M10	19-06-96	Xerox copy of the final order passed by the Disciplinary Authority against the concerned workman
M11	10-01-97	Xerox copy of the order of the Zonal Manager against the concerned workman
M12	08-11-97	Xerox copy of the order passed by the Chairman of Respondent/Management against the concerned workman.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 915.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास डॉक लेबर बोर्ड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 574/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-02-03 को प्राप्त हुआ था।

[सं. एल-33011/2/2000-आई.आर. (एम)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 915.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 574/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Madras Dock Labour Board and their workman, which was received by the Central Government on 6-02-03.

[No. L-33011/2/2000-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Wednesday, the 18th December, 2002

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE No. 574/2001

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(a) of Section 10 of the Industrial Disputes Act, 1974 (14 of 1947), between the Workmen and the Management of Madras Dock Labour Board.)

BETWEEN

The General Secretary, : I Party/Claimant
Madras Dock Labour Board
Staff Union

AND

The Deputy Chairman : II Party/Management
Madras Dock Labour Board

Appearance :

For the Claimant : M/s. V. Radhakrishnan
& G. Palani, Advocates

For the Management : M/s. G. Venkataraman
& N. Krishnakumar
Advocates

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No.L-33011/2/2000/IR (M) dated 30-03-2001.

On receipt of the order of reference from the Government of India, Ministry of Labour, this case has been taken on file as I.D. No. 574/2001 and notices were sent to the parties to the dispute by registered post, with a direction to appear before this Tribunal on 15-5-2001 to file their respective Claim Statement and Counter Statement and to prosecute this case further. Accordingly, learned counsel on record on either side have filed their respective claim statement and counter statement and prosecuted this case further.

Upon perusing the Claim Statement, Counter Statement, documents let in on the side of the II Party/Management alone, the other material papers on record, the written arguments filed by the learned counsel for the I Party/Claimant after hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above mentioned order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the demand of the Madras Dock Labour Board Staff Union for refixing the seniority of Sri R. Ananthakrishnan, Jr. Assistant is justified? If yes, what directions are necessary in this matter?”

2. The averments in the Claim Statement filed by the I Party/Claimant the General Secretary, Madras Dock Labour Board Staff Union (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner Madras Dock Labour Board Staff Union is a registered Union. This petition is filed on behalf of one of its Members Mr. R. Ananthakrishnan, Junior Assistant being an aggrieved member. The concerned workman Sri R. Ananthakrishnan entered into the Board's service as Peon on 5-9-1979 and thereafter he was promoted as Clerk w.e.f. 2-1-84. Subsequently, he was promoted as Junior Assistant on 16-11-88. The Respondent had promoted the Petitioner on a regular basis with the usual condition of probationary period of two years and should pass typewriting in English in lower grade examination with the probationary period. In the next avenue of promotion, namely to the post of Junior Assistant, Sri R. Ananthakrishnan was promoted by the Respondent vide proceedings dated 16-11-88. In the meanwhile, the trade union of Madras Dock Labour Board made representations to the Respondent to relax the condition imposed with regard to passing of typewriting examination. The Respondent considering the various representations made by the Trade Unions had modified the earlier proceedings vide order dated 10-8-87 and thereby the conditions imposed while promoting Sri R. Ananthakrishnan that he should acquire typewriting lower grade examination in English has been relaxed. The above order further states that the promoted candidates were declared to have completed the period of probation satisfactorily in the post of clerk held by them and Shri R. Ananthakrishnan stood at Sl. No. 3 in the modified order dated 10-8-87. In any event, the Respondent after modifying their earlier proceedings cannot go back and the panel of seniority is valid based on his seniority in the lower grade on the date of promotion from clerk to Junior Assistant to which post he was regularised. Sri S.J. Anbazhagan, Junior Assistant was promoted on 01-10-84 and he was further promoted as Junior Assistant on 14-8-89 vide office order dated 21-9-84 and 12-8-89 respectively. It is an admitted fact that Sri S.J. Anbazhagan is junior to Mr. R. Ananthakrishnan who was promoted prior to him both in the post of clerk as well as in the post of Junior Assistant. It is true that the Petitioner Union and its member Sri R. Ananthakrishnan made representation to the Respondent on 9-8-99 and 24-8-99 about the discrepancy in placing Sri R. Ananthakrishnan junior to Sri S.J. Anbazhagan. In spite of the above, the Respondent has not taken any serious effort to amend the seniority list. It is unjust on the part of the Respondent to place Sri S.J. Anbazhagan as senior to that of Sri R. Ananthakrishnan, who was promoted prior

to the promotion of Sri S.J. Anbazhagan. The failure on the part of Respondent to place Sri R. Ananthakrishnan above Sri S.J. Anbazhagan is arbitrary, unreasonable and violative of principles of natural justice. The entire procedure of preparing the seniority list is illegal, arbitrary and contrary to the extant rules and the various orders issued by the Respondent and the aggrieved person Sri R. Ananthakrishnan has not been given any due weightage by considering his earlier promotion to that of Sri S.J. Anbazhagan. The action of the Respondent in deviating their own orders is highly arbitrary and unreasonable. It is well established that Sri R. Ananthakrishnan was fully qualified at the time of his promotion to the post of clerk and as well as to the post of Junior Assistant. Only then he has been placed in the panel. The only condition imposed with regard to passing of the English lower typewriting examination was also modified by the Respondent's order dated 10-8-87. As such, Sri R. Ananthakrishnan ought to have been completed his probationary period without going into the typewriting qualifying examination and has to be promoted to the post of Junior Assistant from the date of his actual promotion and taking charge of his duties. In any event, the seniority of Sri R. Ananthakrishnan after his promotion to the post of Junior Assistant cannot be altered in the entry level post to his disadvantage. There has been an irregularity in the placement of rank of seniority between Sri R. Ananthakrishnan and Sri S.J. Anbazhagan the latter being junior and also promoted after nearly ten months to that of Sri R. Ananthakrishnan. In those circumstances, it is very clear that Sri R. Ananthakrishnan who was promoted prior to that of Sri S.J. Anbazhagan is admittedly senior and the Respondent's action in placing him in lower than that of Sri S.J. Anbazhagan is unjust, arbitrary and unconstitutional. Though in the order dated 16-11-88 a condition was imposed to the effect that a pass in the lower English typewriting is a must the management while promoting Sri R. Ananthakrishnan consequently decided to waive the said condition and promoted him to the post of Junior Assistant and was also confirmed in the promotional post. Therefore, it is not open to the management to revise the seniority of Sri R. Ananthakrishnan in the entry level post of LDC to the disadvantage of the said individual. Hence, the seniority of the said Sri R. Ananthakrishnan is entitled to be revised in accordance with the seniority in the entry grade. Hence, the Petitioner Union prays that this Hon'ble Court may be pleased to quash the seniority list issued by the Respondent and to direct the Respondent to revise the seniority list by placing Sri R. Ananthakrishnan as senior to Sri S.J. Anbazhagan and pass such further or other orders as this Hon'ble Court may deem fit and proper.

3. The averments in the Counter Statement filed by the II Party/Management Madras Dock Labour Board (hereinafter refers to as Respondent are briefly as follows :—

The concerned workman joined the Respondent Board as peon on 5-9-79 and he was selected and appointed as a Clerk w.e.f. 2-1-84 subject to the condition that he should pass the Typewriting English lower grade

within a period of one year. Since he did not pass the above typewriting English lower grade examination, he did not qualify himself for the post of clerk. It was only later on 15-4-89, the requisite qualification of passing typewriting English lower grade examination was relaxed w.e.f. 25-5-87 in his favour based on similar decision taken by Madras Port Trust. The promotion of Clerks as Junior Assistants is based only on seniority, subject to their confirmation in the post of clerk on fulfilment of qualification prescribed under recruitment rules. Upon relaxation of condition of passing typewriting English lower grade in respect of certain clerks by the Chairman, Sri R. Ananthakrishnan who was one among the seven was declared to have been confirmed in the post held by him as Clerk w.e.f. 25-5-87 as per the proceedings dated 15-4-89. Further, as per proceedings dated 10-8-87 the six other clerks were also declared to have completed the period of probation satisfactorily in the post of clerk held by them on 10-8-87 only. According to para 5.3. of the consolidated orders of seniority issued vide O.M. dated 3-7-86 where persons are confirmed in an order different from the order of merit indicated at the time of their recruitment or promotion, seniority shall follow the orders of confirmation and not the original order of merit. Since there is confirmation in the entry grade, seniority will continue to be determined on the basis of confirmation in that grade. Applying the above criteria, the seniority in the post of Clerk would continue from the date of confirmation in the said post i.e. 25-5-87. Hence, there is no substance in the allegation levelled by the Petitioner Association and is denied. In the promotion effected to Sri R. Ananthakrishnan as Junior Assistant w.e.f. 16-11-88 due to inadvertent action of the administration. Sri R. Ananthakrishnan was placed as senior by failing to see the confirmation of Sri S.J. Anbazhagan as Clerk was as early as on 1-10-84, while Sri R. Ananthakrishnan was confirmed in the clerk grade w.e.f. 25-5-87 only. Therefore, in order to rectify the defect in the seniority position of Sri S.J. Anbazhagan the name of Sri S.J. Anbazhagan was placed above Sri R. Ananthakrishnan in the seniority list of clerks. The corrective action taken by the administration in placing Sri S.J. Anbazhagan who was confirmed in the post of Clerk on 1-10-84 as senior to Sri R. Ananthakrishnan who was confirmed on 25-5-87 only is in order. The Petitioner Union has deliberately suppressed the above facts. It could be seen from Chapter XVII titled seniority in civil posts contained in the book published by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), New Delhi it has been indicated in para 5.3. as under :—

“Whether persons are recruited or promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.”

Hence according to above, Sri R. Ananthakrishnan is junior to Sri S.J. Anbazhagan in the post of clerk and the action of the Respondent in rectifying the seniority is in order. There is no scope for invoking the principles of natural justice. Sri S.J. Anbazhagan was confirmed in the post of

Clerk as on 1.10.84 much earlier to Sri R. Ananthakrishnan's confirmation on 25-5-87 and the mistake found was rectified by placing Sri S.J. Anbazhagan above Sri R. Ananthakrishnan as senior by adopting the well laid procedures in arriving seniority as contained in the directive issued by the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) New Delhi. Further, the relaxation of qualification prescribed viz. pass in typewriting English lower grade examination was only for the purpose of confirmation in the said post and not for seniority as evident from the order dated 15-4-89. It is stoutly denied that Respondent had deviated its own orders and the rectification of genuine mistake that crept in inadvertently cannot be termed as deviation of its own order. It is incorrect to allege that Sri R. Ananthakrishnan was fully qualified and upon relaxation of conditions of compulsory possession of typewriting English lower grade examination pass, Sri R. Ananthakrishnan was confirmed in the post of clerk on 25-5-87. Fact remains that Sri S.J. Anbazhagan was confirmed in the post of clerk much earlier on 1-10-84. Hence, the allegation levelled to the effect that action of the Respondent is unjust, arbitrary and unconstitutional are baseless and emphatically denied. In view of the reasons stated supra, there is no necessity to revise the seniority position as it exists now, because on the date of confirmation of Sri S.J. Anbazhagan as clerk on 1-10-84 Sri R. Ananthakrishnan did not qualify himself for the post of clerk. It was only later in 1989 the requisite qualification of passing typewriting English lower grade examination was relaxed in order to enable him to get confirmed in the said post paying the way for future career advancement. Hence, the allegation that seniority of Sri R. Ananthakrishnan after his promotion to the post of Junior Assistant cannot be altered in the lower post of clerk to his disadvantage is baseless and hence denied. Since promotions to the post of Junior Assistant from the post of clerk is also based on seniority cum suitability the seniority position as obtained between Sri S.J. Anbazhagan and Sri R. Ananthakrishnan would continue to be the same in the category and the post of Junior Assistant though fortuitously Sri R. Ananthakrishnan was promoted to the post of Senior Assistant on 16-1-88 despite his lacking the possession of qualification of pass in the typewriting English lower grade examination and getting relaxation in regard to that qualification only on 15-4-89. Had the mistake been found earlier and rectified Sri S.J. Anbazhagan would have been promoted as Junior Assistant much earlier to Sri R. Ananthakrishnan. Therefore, Sri R. Ananthakrishnan is not entitled to take unfair advantage of the administrative mistake to allege that he having been promoted as Junior Assistant earlier to Sri S.J. Anbazhagan there could be no rectification of the seniority list. The administration is entitled to rectify the anomaly and mistakes whenever the same comes to light. Hence, it is prayed that this Hon'ble Tribunal may be pleased to reject the reference by dismissing the claim of the Petitioner Union.

4. When the matter was taken up for enquiry, no one has been examined as a witness on either side. No document has been filed on the side of the I Party/Union.

10 documents filed on the side of the Respondent/Management were marked by consent as Ex. M1 to M10. The argument advanced by the learned counsel on either side was heard.

5. The point for my consideration is —

"Whether the demand of the Madras Dock Labour Board Staff Union for refixing the seniority of Sri R. Ananthakrishnan, Jr. Assistant is justified? If yes, what directions are necessary in this matter?"

Point:-

This industrial dispute has been raised by the Petitioner/Madras Dock Labour Board Staff Union espousing the cause of Sri R. Ananthakrishnan. It is admitted that the concerned workman has joined the Respondent Board as Peon on 5-9-79 and he was selected and appointed as Clerk w.e.f. 2-1-84 subject to the condition that he should pass the typewriting (English) lower grade within a period of one year. It is also not disputed that the concerned workman did not pass the said typewriting (English) lower grade exam within the specified period, he did not qualify himself for the post of clerk. The requisite qualification of passing typewriting English lower grade examination as a condition to qualify the concerned workman for the post of clerk was relaxed later on 15-4-89 w.e.f. 25-5-87 in favour of the concerned workman on similar decision taken by the Madras Port Trust. It is the contention of the Petitioner Union that in the order passed by the Respondent/Management for the relaxation of the condition, it is stated that the promoted candidates were declared to have completed the period of probation satisfactorily in the post of clerk held by them and the concerned workman Sri R. Ananthakrishnan stood at serial number 3 in the modified order dated 10-8-87 and that after modifying their earlier proceedings, the Respondent/Management cannot go back and the panel of seniority is valid based on his seniority in the lower grade on the date of promotion from Clerk to Junior Assistant to which post he was regularised. It is their further contention that Sri S.J. Anbazhagan who is junior to Sri R. Ananthakrishnan was promoted prior to him both in the post of clerk as well as in the post of Junior Assistant. So placing Sri S.J. Anbazhagan as senior to that of Sri R. Ananthakrishnan by the Respondent on the basis of his earlier promotion is unjust, arbitrary unreasonable and violative of principles of natural justice and the entire procedure for preparing the seniority list is illegal and contrary to the extant rules and various orders issued by the Respondent/Management. It is further contended that it is not open to the Respondent/Management to revise the seniority of Sri R. Ananthakrishnan in the entry level post of LDC to the disadvantage of the said individual.

6. It is the contention of the Respondent/Management in their Counter Statement that the promotion of Clerk as Junior Assistant is based on only seniority subject to their confirmation in the post of clerk on fulfilment of qualification prescribed under recruitment rules and that upon relaxation of condition of passing

Typewriting (English) lower grade examination in respect of certain clerks by the Chairman. Sri R. Ananthakrishnan who was one among the seven was declared to have been confirmed in the post held by him as clerk w.e.f. 25-5-87 as per the proceedings of the Chairman dated 15-4-89 and further as per proceedings dated 10-8-87 the six other clerks also were declared to have completed their period of probation satisfactorily in the post of clerk held by them only on 10-8-97. It is further contended that since there is confirmation in the entry grade seniority will continue to be determined on the basis of confirmation in that grade and that applying the said criteria, the seniority in the post of clerk would continue from the date of confirmation in the said post i.e. on 25-5-87. It is also mentioned in the Counter Statement of the Respondent/Management that due to inadvertent action of the administration, Sri R. Ananthakrishnan who was promoted as Junior Assistant w.e.f. 16-11-88 was placed as senior by failing to see the confirmation of Sri S.J. Anbazhagan as Clerk as early as on 1-10-84 and Sri R. Ananthakrishnan was confirmed in clerk grade w.e.f. 25-5-87 only and therefore, in order to rectify the defect in the seniority position, the name of Sri S.J. Anbazhagan was placed above Sri R. Ananthakrishnan in the seniority list of clerks. It is further contended by the Respondent/Management that the corrective action taken by administration in placing Sri S.J. Anbazhagan who was confirmed in the post of clerk on 1-10-84 as senior to Sri R. Ananthakrishnan who was confirmed on 25-5-87 is in order. It is not disputed that in Chapter 17 Title Seniority in Civil Posts contained in the book published by Ministry of Personnel & Public Grievances, New Delhi it has been indicated in para 5.3 that "where person are recruited or promoted initial on temporary basis are confirmed subsequent in an order different from the order of merit indicated at the time of their appointment seniority shall follow in the order of confirmation and not the original order of merit."

7. From the facts available in this case, it is seen that Sri R. Ananthakrishnan is junior to Sri S.J. Anbazhagan in the post of Clerk and the action of the Respondent administration in rectifying the seniority is in order. So, there is no scope for invoking any principles of natural justice by the Respondent administration under such circumstances. Further, it is seen from the representation on either side that Sri S.J. Anbazhagan was confirmed in the post of clerk as on 1-10-1984 much earlier to Sri R. Ananthakrishnan's confirmation on 25-5-1987. The relaxation of qualifications prescribed i.e. pass in Typewriting (English) lower grade examination was only for the purpose of confirmation in the said post and not for seniority, as evident from order dated 15-4-89. It is also not disputed that on the date of confirmation of Sri S.J. Anbazhagan as Clerk on 1-10-1984 Sri R. Ananthakrishnan did not qualify himself for the post of clerk. It was only later in the year 1989 when that requisite qualification of passing Typewriting (English) lower grade examination was relaxed. Sri R. Ananthakrishnan was confirmed in the post of Clerk as an anti-date on 25-5-87. It is also not disputed on the averment of Respondent/Management that had the mistake been found earlier and rectified Sri S.J. Anbazhagan would have been promoted as Junior Assistant much earlier to Sri R. Ananthakrishnan. Therefore, Sri R. Ananthakrishnan is not entitled to take unfair advantage of the administrative mistake to allege that he having been promoted as Junior Assistant earlier

to Sri S.J. Anbazhagan, there could be no rectification of seniority list. As contended by the Respondent/Management, the administration is entitled to rectify the anomaly and mistakes whenever the same comes to light. So under such circumstances, as rightly contended by the Respondent/Management, the case of the Petitioner Union on behalf of the concerned workman Sri R. Ananthakrishnan has no merit as the seniority maintained by the Respondent/Management is in order. Hence, the demand of the Madras Dock Labour Board Staff Union for refixing the seniority of Sri R. Ananthakrishnan, Junior Assistant is not justified. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

8. In the result, an Award is passed holding that the demand of Madras Dock Labour Board Employees Union for refixing the seniority of Sri R. Ananthakrishnan, Junior Assistant is not justified. Hence, the relief prayed for by the Petitioner Union cannot be granted and the concerned workman is also not entitled for the relief prayed for. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th December, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Exhibited :—

For the I Party/Claimant : Nil

For the II Party/Management :—

Ex No.	Date	Description
M1	21-9-84	Xerox copy of the order of appointment/promotion
M2	10-06-87	Xerox copy of the order for completion of probation
M3	10-08-87	Xerox copy of the proceedings of the Respondent
M4	16-11-88	Xerox copy of the promotion order as Junior Assistant
M5	15-04-89	Xerox copy of the proceedings of Deputy Chairman, Madras Dock Labour Board for relaxation of condition.
M6	12-08-89	Xerox copy of the promotion order issued by Respondent
M7	Nil	Xerox copy of the service particulars of Sri R. Ananthakrishnan and Sri S.J. Anbazhagan
M8	Nil	Xerox copy of the recruitment rules for the post of Junior Assistant in Madras Dock Labour Board
M9	Nil	Xerox copy of the recruitment rules for the post of Asst. Supervisor (Shift)
M10	Nil	Extract of Handbook for Personnel Officers.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 916—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, चेन्नई पोर्ट ट्रस्ट के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 553/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-33012/1/2000-आई.आर. (एम)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 916.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 553/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Chennai Port Trust and their workman, which was received by the Central Government on 6-2-2003.

[No. L-33012/1/2000-IR(M)]

C. GANGADHARAN, Under Secy.
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Thursday, the 12th December, 2002

PRESENT:

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 553/2001

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M. Annadurai and the Management of Chairman, Chennai Port Trust.]

BETWEEN:

Sri M. Annadurai : I Party/Workman

AND

The Chairman, : II Party/Management
Chennai Port Trust,
Chennai

APPEARANCE:

For the Workman : Mr. R. P. Panneer Selvam
& R. Damodaran,
Advovates

For the Management : Mr. M. M. Shanmugham
& S. Annamalai, Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-33012/1/2000/IR(M) dated 13-02-2001.

On receipt of the order of reference from the Government of India, Ministry of Labour, this case has been taken on file as I. D. No. 553/2001 and notices were sent to the parties to the dispute by registered post, with a direction to appear before this Tribunal on 28-3-2001 to file their respective Claim Statement and Counter Statement and to prosecute this case further. Accordingly, learned counsel on record on either side have filed their respective claim statement and counter statement and prosecuted this case further.

Upon perusing the Claim Statement, Counter Statement, documentary evidence let in on the side of the I Party/Workman alone, the other material papers on record, the written arguments filed by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above-mentioned order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Chennai Port Trust, Chennai in terminating the services of the workman Sri M. Annadurai. Token No. 2494 w.e.f. 3-7-95 is justified? If not, to what relief is he entitled?”

2. The I Party/Workman Sri M. Annadurai has raised this dispute challenging the action of the II Party/Management Chennai Port Trust, Chennai in terminating him from services with effect from 3-7-95 as unjustified. The case of the I Party/Petitioner is that he was employed as mazdoor (conservancy) in a permanent post in the office of the Chief Engineer, Chennai Port Trust. Unfortunately, he had an attack of sudden mental depression, hence he could not attend the office from 3-7-95 to 9-7-97. He took local treatment upto 30-9-95 and then had allopathic treatment from 1-10-95 to 10-8-97 till he was found fit for report for duty on 11-8-97. Subsequently also, he was unable to join duty since an ex-parte order of removal from service has been passed by the II Party/Management Chennai Port Trust. Because of his ill health he could not attend the enquiry proceedings. The II Party/Management without assigning the real cause of action removed the Petitioner from service w.e.f. 3-7-95 by an order dated 21-5-96. So the Petitioner preferred an appeal on 10-6-99 and the same was also rejected. As the medical certificate submitted by the Petitioner has not been considered, the order of the Appellate Authority is not sustainable. Since his absence for duty from 3-7-95 due to extraordinary situation, it cannot

be considered as deserted and hence, he must be reinstated in service.

3. The case of the Respondent/Management is that the Petitioner was punished several times for his unauthorised absence for duty. If really the Petitioner was suffering from mental depression he would have reported to Port trust Hospital to take treatment, he has not done so. The averment of the Petitioner that he took local treatment till 30-9-95 and then allopathic treatment from 10-8-97 and found fit for reporting for duty on 11-8-97 is denied as false. There is no proof that he was under such medical treatment. The II Party/Management sent three letters dated 27-11-95, 8-1-96 and 3-2-96 directing him the Petitioner to attend the enquiry proceedings. But all those letters were returned unserved, even though he was an occupant of Port Trust quarters at that time. As the enquiry proceedings could not be conducted on scheduled dates, it was conducted after six months and the charges were proved. Then a final show cause notice dated 4-4-96 was sent to the Petitioner calling upon him to show cause as to why he should not be removed from service. It was also returned unserved. Since there was no response from the Petitioner, he was removed from service as deserted by the Respondent/Management by an order dated 21-5-96. The Petitioner after lapse of three years preferred an appeal dated 10-6-99 stating that he was under treatment and he could not receive the three letters for enquiry. Based on the discharge memo dated 21-5-96, the Petitioner vacated the quarters on 26-6-99. The appeal preferred by him also was rejected. Since the order of removal from service passed against the Petitioner is in order, no relief can be granted to the Petitioner for the claim he made before this Tribunal now. Hence, it must be dismissed.

4. When the matter was taken up for enquiry, no one has been examined as a witness on either side. 3 documents have been marked by consent on the side of the I Party/Workman as Ex. W1 to W3. No document has been marked as an exhibit on the side of the II Party/Management. The learned counsel on either side had filed their respective written arguments.

5. The point for my consideration is :—

“Whether the action of the management of Chennai Port Trust, Chennai in terminating the services of the workman Sri M. Annadurai, Token No. 2494 w.e.f. 3-7-95 is justified ? If not, to what relief is he entitled ?

Point :—

Ex. W1 is the xerox copy of memo dated 21-5-96 sent by the Chief Engineer, Madras Port Trust to the Petitioner/Workman. It was informed by this memo Ex. W1 that the Petitioner/Workman was directed to report for duty forthwith by an office memo dated 14-11-95 together with valid explanation for his unauthorised absence from duty from 3-7-95 till date and since he has neither submitted his

explanation nor reported for duty, an enquiry was conducted against him and the charge framed against the Petitioner has been proved, he was removed from Trust service treating him as deserted on disciplinary grounds with effect from the forenoon of 3-7-95, the date from which he remained unauthorisedly absent from duty without prior permission. Ex. W2 is the xerox copy of the appeal preferred by the Petitioner to Respondent/Management. Ex. W3 is the xerox copy of the memo dated 10-9-99 issued by the Chief Engineer to the Petitioner Sri M. Annadurai informing him that his request for reinstatement cannot be agreed to as he has not brought any new points for consideration. Along with the Claim Statement, the Petitioner/Workman has filed a medical certificate issued by one Doctor M. S. Chelladurai stating that the Petitioner was suffering from depression psychosis and his absence from duty for 23 months w.e.f. 01-10-95 to 10-8-97 is absolutely necessary for restoration of his health. He has also filed a physical fitness certificate issued by the same Doctor, stating that he is physically fit to resume duty w.e.f. 11-8-97. Both the documents bear the seal of the Govt. Stanley Hospital, Chennai. For the contention of the Petitioner that he was taking local treatment from 3-7-95 to 30-9-95, no evidence either oral or documentary is available, no particulars of treatment has also been given. Like that there is no medical report filed by the Petitioner as an enclosure to the document he has filed as medical leave certificate and physical fitness certificate. Nothing has been stated in his Claim Statement also as to what sort of treatment he has taken in the alleged period of his ailment. In the two documents filed along with Claim Statement also it is not mentioned that the Doctor who issued those two documents have given treatment for the alleged ailment of the Petitioner. Further no evidence has been let in by the Petitioner by examining the Doctor who issued those certificates, to speak about the ailment of the Petitioner and also any treatment that was given to him by the Doctor during the period of his illness. From all these things, it is seen that the I Party/Petitioner has failed to prove the circumstances under which he was unable to attend the duty as well as the enquiry proceedings by adducing acceptable legal evidence. He has also not chosen to give evidence before this Tribunal also to establish the plea he has raised in his claim petition. On the other hand, there are typed set of documents filed by II Party/Management in this case and they have not been disputed by the Petitioner/Workman. The xerox copy of the memo dated 29-7-95 shows that it was issued to the Petitioner by registered post for his absence for duty without prior permission and directing him to show cause in writing as to why disciplinary action should not be taken against him for his unauthorised absence from 3-7-95. In that memo itself, it is mentioned that in seven occasions earlier, actions were taken for his unauthorised absence for duty and punishments were imposed. It is also seen from those documents that notices were sent to the Petitioner to his residential address in the

Madras Port Trust colony directing him to appear for an enquiry. It is not disputed that the Petitioner has not attended the enquiry and the enquiry was conducted ex-parte and on the basis of the findings of the Enquiry Officer, an order of dismissal dated 21-5-96 was passed by the Disciplinary Authority and the xerox copy of the same is Ex. W1. As it was found that the Petitioner/Workman remained unauthorisedly absent for duty by the Disciplinary Authority, after conducting an enquiry, and giving an sufficient opportunity to explain the reasons for his absence, he has passed an order treating him as deserted to dismiss him from service w.e.f. 3-7-95. Three years after the order of dismissal passed by Disciplinary Authority, the Petitioner has preferred an appeal dated 10-6-99 under Ex. W 2 and the same was rejected by Appellate Authority by his order dated 10-9-99 under Ex. W 3.

6. From the available materials and evidence on the either side, it is seen that the reason given by the Petitioner/Workman for not attending to duty from 3-7-95 that he was suffering from mental depression has not been substantiated with acceptable evidence. No medical certificate with particulars of treatment he was taken during the period of the alleged ailment has been produced. No Doctor who said to have been given treatment for his ailment during that period also has been examined by the Petitioner/Workman. Further the Petitioner/Workman himself has not chosen to give evidence in proof of his averment in the Claim Statement that he was unwell from 3-7-95. Since the Petitioner/Workman has not examined himself as a witness before this Tribunal in proof of his averments in the Claim Statement and subjected himself for cross examination for the II Party/Management, it can be taken for granted that the Petitioner has failed to prove his contention with acceptable evidence, to conclude that he has not deserted his duty, but he had valid reason for absenting from duty. It is also not the case of the Petitioner that he has already intimated the Respondent/Management about his ailment by applying for medical leave with supporting medical certificates issued by the competent Doctor. It is not denied that he has got facility to take treatment in the Madras Port Trust Hospital itself. He has not get himself treated from the Madras Port Trust Hospital for his alleged ailment. No reason also has been given as to why he first took treatment locally and then from an outside Doctor for allopathic treatment. The notices sent by the II Party/Management to the Petitioner/Workman to his last known residential address informing him to attend the enquiry for his unauthorised absence have been returned unserved. It is not his case that he was away from his residential house during the period when the notices were sent by post to that address by the Respondent/Management. All these things go to show that in spite of the fact that the Respondent/Management directed him to report for duty immediately by issuing a memo and on having found that he has not reported to duty, notices were sent to him by

the II Party/Management directing him to attend the enquiry proceedings, he had chosen to remain absent and had failed to attend the enquiry also. So his absence for duty has been treated as unauthorised absence ever since 3-7-95, as he has remained absence for duty without prior permission and since he has not reported for duty and has also failed to attend the enquiry conducted by the Respondent/Management to enquire into his unauthorised absence for duty, it was considered by the Disciplinary Authority that he has deserted the job. During the alleged period of ailment, the Petitioner also has not sent any intimation to the Respondent/Management explaining his inability to attend work due to his mental depression. It is seen from the materials available that he has filed a medical certificate for the first time along with his appeal dated 10-6-99 under Ex. W2. So, under such circumstances, on the basis of the materials available in this case, it can be concluded that the I Party/Petitioner has failed to prove that he was under the mental depression during the period of his absence for duty ever since 3-7-95 and he underwent medical treatment for the same. The II Party/Management has conducted an enquiry for the unauthorised absence for duty of the Petitioner and having found that the Petitioner has not attended the enquiry, the enquiry was conducted ex-parte and the charges framed against the Petitioner had treated to be proved and on the basis of the findings in the enquiry, the Disciplinary Authority has passed an order for removing the Petitioner from the services of the Respondent/Management treating the Petitioner as deserted with effect from the forenoon of 3rd July, 1995, the date from which the Petitioner continuously remained unauthorisedly absent without prior permission from duty. Hence, Under such circumstances, it cannot be said that the action of the management of Chennai Port Trust, Chennai in terminating the services of the workman Sri M. Annadurai w.e.f. 3-7-95 is unjustified. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

7. In the result, an Award is passed holding that the concerned workman Sri M. Annadurai is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 12th December, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Exhibited :—

For the I Party/Workman :—

Ex. No.	Date	Description
W1	21-05-96	Xerox copy of the order issued by Respondent/Management to Petitioner removing him from service.

Ex No.	Date	Description
W2	10-06-99	Xerox copy of the appeal preferred by the Petitioner to Chairman, Chennai Port Trust.
W3	10-09-99	Xerox copy of the reply given by Respondent/Management to Petitioner for his representation dt. 10-6-99.
For the II Party/Management : Nil		

नई दिल्ली, 18 फरवरी, 2003

का. आ. 917—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स मारमगाव मेरीन लोजिस्टीक प्राइवेट लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 2/63 का 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-36011/6/2002-आई.आर.(एम)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 917.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/63 of 2002) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of M/s Mormugao Marine Logistic Pvt. Limited and their workman, which was received by the Central Government on 6-2-2003.

[No. L-36011/6/2002-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI.

PRESENT:

S.N. SAUNDANKAR, Presiding Officer

Reference No. CGIT-2/63 of 2002.

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF

M/s. Mormugao Marine Logistic Pvt Ltd.

The Managing Director,

M/s. Mormugao Marine Logistic Pvt. Ltd.,

Asha Building Mormugao Harbour, Goa,

Goa-403803.

AND

THEIR WORKMAN

Shri Ravi Mopsekar,
House No. 10(2),
Near Baina Church, Vasco, Goa
Goa-403803.

APPEARANCES:

For the Employer : Mr. M.S. Bandodkar
Advocate

For the Workmen : No Appearance.

CAMP : GOA Dated : 9th January 2003.

AWARD

The Government of India Ministry of Labour by its Order No. L-36011/6/2002/IR(M) dtd. 6/8/2002 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this tribunal for adjudication :—

“Whether the action of the management of M/s. Mormugao Marine Logistics Pvt. Ltd., Goa in dismissing Shri Ravi Mapsekar from the service w.e.f. 10/01/2002 is legal and justified? If not, to what relief the workman is entitled for?”

2. On receipt of the reference this Tribunal issued notices to the workman Mapsekar and the management Company. By the application (Exhibit-4) one Chandrakant Mapsekar pointed out that workman Ravi who was his brother died on 12/4/2002. He has filed death certificate issued by the Sub-registrar Birth and Deaths, Bambolim Goa. At the same time management company vide purshis (Exhibit-7) pointed out that since workman expired the company would pay legal dues if any due to the deceased to his legal heirs. In view of this the reference will have to be disposed of and hence the order :—

ORDER

Reference stands disposed of vide purshis (Exhibit-7)

S.N. SAUNDANKAR, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL

Reference CGIT No. 10

Mormugao Marine Logistic Pvt Ltd.

Ravi Mapsekar.

The workmen concerned in the reference has been expired.

The company however under takes to give the legal dues if any due to him to his legal heir.

It is further prayed that reference be disposed of not proved.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 918.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मार्मागाव पोर्ट ट्रस्ट के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 2/20 का 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2003 को प्राप्त हुआ था।

[सं. एल-39011/3/2000-आई.आर. (एम.)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 918.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/20 of 2001) of the Central Government Industrial Tribunal-cum-Labour Court. No. 2, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Mormugao Port Trust and their workman, which was received by the Central Government on 6-2-2003.

[No. L-39011/3/2000-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI.

PRESENT:

S.N. SAUNDANKAR, Presiding Officer

Reference No. CGIT-2/20 of 2001.

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF

MORMUGAO PORT TRUST

a. Mormugao Port Trust,
The Chairman,
Mormugao Harbour
Goa-403803.

b. Mormugao Port Trust,
The Chief Mechanical Engineer,
Headland Sada, Goa,
Goa-403 804.

AND

Their Workmen

Mormugao Port Trust (MOHP) Workers Union,
The General Secretary, C/o Shri S.N. Amerkar
House, Nr. Laxmi Narayan Temple,
Head Land Sada, Goa.

APPEARANCES:

For the Employer : Mr. M.B. Anchan,
Advocate.

For the Workmen : In Person.

CAMP : GOA Dated : 8th January 2003.

AWARD

The Government of India Ministry of Labour by its Order no. L-39011/3/2000/IR(M) dtd. 24/01/2001 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Mormugao Port Trust, Goa in transferring Sh. Anand L. Nemlekar Khalasee from the office of CME to Baina Workshop instead of transferring him back to MOHP is legal and justified? If not, to what relief the workman is entitled for?”

2. By Statement of Claim (Exhibit-19) workman averred that the management Mormugao Port Trust to cause financial loss transferred him to CME Baina workshop from MOHP therefore, he prayed the management be directed to post him at the place where he was working i.e. at MOHP. Management resisted the claim of workman by filing Written Statement (Exhibit-25) contending that it is the prerogative of the employer for getting the work done as to where he should be transferred, therefore the contention of the workman being devoid of substance claim be dismissed.

3. On the basis of the pleadings this Tribunal framed issues (Exhibit-26) and when the matter was fixed for hearing the workman filed application (Exhibit-30) stating therein that the management had posted him back at MOHP his original place of posting. Consequently he has no grievance and the reference be disposed of. Since the management gave ‘No Objection’ and that the dispute has amicably settled reference deserves to be disposed of and hence the order :—

ORDER

Reference stands disposed of vide purshis (Exhibit-30)

S.N. SAUNDANKAR, Presiding Officer

E.L.P. No. 138496

CME Ucp. M.P.T. 8-1-03

To

The Presiding Officer,
Central Government Ind. Tribunal No. 2, Mumbai.

Sir,

This is to inform you that I have been transferred back to MOHP where I was originally posted. As such my grievance has been settled. I have been transferred to MOHP

(Receiving Section) vide order No. CME/SAS-2 (21/01/609) dated 26-11-02. Kindly Arrangement to withdrawal.

The Industrial dispute under ref. No. CGIT-20 of 2001 raised before this Industrial Tribunal. The reference may be disposed of.

Your's Faithfully

(A.L. Nemlekar)

Khalasee

नई दिल्ली, 18 फरवरी, 2003

का. आ. 919.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडियन बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 658/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/265/98-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 919.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 658/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Indian Bank and their workman, which was received by the Central Government on 17-2-2003.

[No. L-12012/265/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Thursday, the 9th January, 2002

PRESENT: K. KARTHIKEYAN, Presiding Officer
INDUSTRIAL DISPUTE No. 658/2001

(Tamil Nadu Principal Labour Court CGID No. 242/99)

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman and the Management of Indian Bank, Chennai.]

BETWEEN:

The General Secretary : I Party/Claimant
Indian Bank Employees Union,
Chennai.

AND

The Zonal Manager, : II Party/Management
Indian Bank, Chennai.

APPEARANCE:

For the Claimant : M/s. Row & Reddy &
S. Satish Kumar, Advocates.

For the Management : M/s Aiyar & Dolia, R.
Arumugam & N. Krishna
Kumar, Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-12012/265/98/IR(B-II) dated 31-03-99.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, Chennai. Where the same was taken on file as CGID No. 242/99. When the matter was pending enquiry in that Principal Labour Court, the Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Tamil Nadu Principal Labour Court, this case has been taken on file as I.D. No. 658/2001 and notices were sent to the counsel on record on either side informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 15-10-2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and prosecuted this case further. The Claim Statement of the I Party/Claimant was filed earlier before the Tamil Nadu Principal Labour Court, Chennai. When the matter was pending therefor adjudication and the Counter Statement of the II Party/Management was filed before this Tribunal after the case has been transferred from the Principal Labour Court to this Tribunal for adjudication.

Upon perusing the Claim Statement, Counter Statement, the documentary evidence let in on either side, the other material papers on record, the written arguments filed by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the management of Indian Bank is justified in dismissing Shri K.G. Sekar, Agricultural Assistant from the services of the bank and if not, what relief the workman is entitled to?”

2. The averments in the Claim Statement of the I Party/Claimant Indian Bank Employees Union, Chennai (hereinafter refers to as Petitioner) are briefly as follows :—

This industrial dispute has been raised by the I Party/Claimant Union espousing the cause of the concerned

workman Sri K. G. Sekar, by challenging the action of the II party/Indian Bank Management in dismissing the concerned workman Sri K. G. Sekar, Agricultural Assistant from the services of the bank as unjustified. The concerned workman Sri. K. G. Sekar joined the services of the II Party/management Indian Bank Chennai (hereinafter refers to as Respondent) as Clerk/Cashier in the year 1982. He was discharging his duties faithfully and efficiently until he was suspended. During 1985 the concerned workman was promoted as Agricultural Assistant. At the time of his termination, he was working as Agricultural Assistant at Indian Bank Katterikupam branch. He was issued with show cause notice dated 3-3-94 by the Respondent/Bank containing two charges of alleged misconduct. It is alleged in the charge sheet that a schematic loan was granted to one Mr. Jayaguru at Villianoor branch on 11-5-93 for purchase of an auto rickshaw. But the auto rickshaw was not purchased and a portion of this loan was also found to have been encashed. That it had transpired during an investigation that the concerned workman had arranged the said auto rickshaw loan to Mr. Jayaguru and that the concerned workman had encashed the portion of loan by receiving the refund cheque from M/s. MOH Ltd. Pondicherry suppliers of the vehicle posing himself as the Manager of Villianoor branch and one Mr. Ravi as Mr. Jayaguru the borrower. The said refund cheque for Rs. 20,000 draw on Syndicate Bank was collected through SB account 20019 opened at Pondicherry branch on 15-11-93 by Mr. Ravi in the name of Mr. Jayaguru at the concerned workman's behest. The concerned workman had also admitted this to the investigating official. As charge No. 2 it is alleged that the concerned workman had clandestinely sold the house plot No. 1 at resurvey No. 1245/3 in Villianoor, Komyun Panchayat and that this plot was purchased by him by availing housing loan at Villianoor branch on 8-1-93. The sale proceeds of the plot was kept in his S.B. Account No. 14406 at Villianoor branch and were not credited to the SHL account and that he had failed to inform of the sale of the said plot to the branch even after the sale and he had thus misused a welfare scheme of the bank and attempted to defraud the bank. For the show cause notice dated 3-3-94 the concerned workman gave his explanation dated 5-4-94 denying the charges. Even before issuance of show cause notice dated 3-3-94, the concerned workman was placed under suspension by Disciplinary Authority vide order dated 18-1-94 even without giving him an opportunity to explain his position against the alleged charges, thereby evidencing the vindictiveness of the management's predetermined decision to victimise the concerned workman. In his explanation dated 5-4-94, the concerned workman while denying the two charges stated that regarding charge No. 1, it is true that a schematic loan was granted to one Jayaguru at Villianoor branch on 11-5-93 for purchase of an auto rickshaw, but the borrower could not purchase the auto in time as promised by the dealer and the dealer wilfully

delayed the delivery of auto rickshaw. When the borrower contacted another dealer who assured the borrower to deliver the auto rickshaw within a month's time. When the borrower informed the concerned workman about the inordinate delay in delivery of the auto rickshaw and thus incurring financial loss by way of his obligation to make payment of interest to the bank informed the concerned workman that another dealer who is willing to deliver the vehicle within a month's time provided if the borrower/purchaser withdraws the amount that he has already paid to previous dealer M/s. MOH Ltd., Pondicherry. Since the concerned workman knows the dealer M/s MOH Ltd. he approached them to refund the amount deposited by the borrower. At the instance of the concerned workman, the dealer issued a refund cheque for Rs. 20,000 favouring Jayaguru the borrower drawn on Syndicate Bank, Pondicherry. At the request of the concerned workman, a S.B. account was opened at Pondicherry branch on 15-11-93 and the cheque issued by the dealer was deposited in the same account. The concerned workman came to know that it will take 3 or 4 days to complete the formalities to book an auto rickshaw afresh with another dealer. With a view to keep the money in tact, the concerned workman asked the borrower to withdraw the amount and deposit the same into his S.B. Account. The reason for this is that again the borrower has to submit a fresh loan application and once again he has to complete the formalities like documentation etc. If the concerned workman had mala fide intention to utilise the money deposited for his use, then he would not have deposited into concerned workman's SB account and keep the amount in tact. With regard to 2nd charge, the concerned workman denies that he had clandestinely sold the house plot No. 1 at Survey No. 245/3 in Villianoor Komyun Panchayat. The concerned workman availed the staff housing loan and purchased the above house. After documentation, the concerned workman came to know that there are some discrepancies and dispute over the plot on which the house has been constructed immediately, on realising that the title to the property is not clear he had decided to sell the property within the shortest period before others come to know of the facts. Fortunately after deciding to sell the house the concerned workman got a purchaser who was willing to finalise the transaction within a day or two. Hence, the concerned workman did not have time to inform the bank and obtain the prior permission in dispose of the property. On the date of registration on Saturday at 1.00 p.m. the concerned workman went to bank with money and informed the Accountant. The Accountant told him that he cannot accept the money in the absence of instructions from higher authorities towards the adjustment of staff housing loan. However, the accountant advised him to keep the money into concerned workman's S.B. account until the branch seeks instructions from higher authorities and further informed the concerned workman that he will not permit to withdraw the amount for any other purpose other than to adjust the

housing loan account. Accordingly the concerned workman remitted the amount as late receipt on that day of registration of sale proceeds. His explanation dated 5-4-94 to show cause notice was however, turned down as unsatisfactory by the Disciplinary Authority of the Respondent/Bank. Pursuant to issuance of charge sheet dated 3-5-94 a departmental enquiry was initiated against the concerned workman. In the departmental enquiry, two witnesses were examined on the side of the management and the borrower relating to charge No. 1 was examined as DW1. In the enquiry the signatories to statements obtained by investigating official were not produced. The allegations as made out charge sheet against the concerned workman would never constitute acts of misconduct. The concerned workman had helped the borrower Jayaguru in availing the loan for purchase of one auto rickshaw and that was duly sponsored and recommended by the competent sanctioning authorities in the branch also. The supplier of auto rickshaw namely M/s. MOH Ltd. Pondicherry has been black listed by the Respondent/Bank and also their reputation as dealer/supplier of automobiles in Pondicherry has eroded and found to be in default. The whole problem lies in this factor only. That the supplier even two months after receipt of full payment towards the cost of one auto rickshaw were only saying that it would take another two/three months for delivering the auto rickshaw. This fact was not taken into account by the Enquiry Officer in his findings. Only after several visits and much persuasion, M/s. MOH Ltd. were forced to make part payment to borrower. But for the concerned workman's efforts even that would not have been possible. Apart from that D. D. for Rs. 20,000/- recovered from them by the borrower himself the balance amount is still lying with the supplier M/s. MOH Ltd. Nothing has been brought on record to show that steps were taken by the bank towards recovery of balance amount nor any steps initiated against the dealer for non-delivery of vehicle in time or at least afterwards. Because they were not reputed dealers and because of their default in delivery as well as on all counts, M/s. MOH Ltd. been black listed by the bank. Naturally, a company with such tarnished reputation would only like to shift the blame on someone else. That is how the stories of concerned workman posing as Branch Manager etc. have been planted and the bank authorities were hoodwinked with such falsifications against the concerned workman. The fact remains that the concerned workman is not at all guilty of such allegations and that is why no effort was ever made to prove such of these allegations. The evidence of Sri Jayaguru himself as defence witness clearly disproves the charge the non-examination of the representative of M/s. MOH Ltd. as a management witness itself proves that the concerned workman demanded refund posing himself as Bank Manager etc. are concocted lies. The allegation contained in charge No. 1 fails and not a single aspect of the charge No. 1 is proved. The issuance of charge No. 2 is nothing but vindictive and colourable exercise of power

vested with the Disciplinary Authority. The concerned workman had not misused the welfare scheme i.e. staff housing loan scheme of the bank. There is nothing clandestine in the sale of plot belonging to concerned workman as it is a proper sale duly registered and cash received out of sale was also remitted in the bank. No wrong was committed by concerned workman in effecting the sale except that he did not obtain prior permission from the bank. His failure to get prior permission would not render the sale as a clandestine one or attempting to defraud the bank. When the concerned workman was working at Katterikuppam branch, he has availed housing loan at Villianoor branch for Rs. 50,000/- towards purchase of land on 8-1-93 and Rs. 23,350/- towards II stage on 10-2-93 i.e. altogether Rs. 73,350/-. The sale proceeds of Rs. 90,000 was deposited in his S. B. account on the same day i.e. 3-12-93 as late receipt. In view of the above fact, there is no question of misusing the bank's welfare scheme on attempting to defraud the bank when the sale proceeds were immediately credited with the bank. The liability towards the SHL is very much covered by the amount of sale proceeds deposited with the bank itself. The concerned workman had also given it in writing that the SHL liability can be adjusted from out of funds kept in S. B. account duly earmarked for this purpose. Due to misrepresentation of facts by Villianoor branch to their higher authorities that has landed the concerned workman in this unfortunate situation. They have hurriedly concluded that he resorted to defraud the bank. Based on their suspicion, false complaints were made against the concerned workman. The mistake, if any, on the part of the concerned workman in not informing the bank about the sale prior to sale of plot, could not and should not be construed as misconduct of attempting to defraud the bank. The Enquiry Officer in his findings has not come on record to show that the concerned workman had acted with mala fide intentions. No where it is established in the findings of the Enquiry Officer that the Respondent/Bank suffered loss or would have suffered loss on account of these wild and baseless allegations made against the concerned workman. The Enquiry Officer gave his findings holding that the charges are proved and the Disciplinary Authority concurring with the findings of Enquiry Officer held that the concerned workman is guilty of the charges mentioned in charge sheet and proposed to award the punishment of dismissal from services of the bank with immediate effect for charge No. 1 and stoppage of two increments falling due next with cumulative effect for charge No. 2. The concerned workman was denied opportunity to cross examine the signatories of the statements obtained by the investigating officer. Denial of reasonable opportunity to the delinquent employee is denial of principles of natural justice. The Disciplinary Authority of the Respondent/Bank pass an order dated 22-4-95 imposing punishment to the concerned workman dismissing him from the services of the bank with immediate effect without notice under clause 19.6(a) of

Bipartite Settlement dated 19-10-66 for charge No. 1 and for charge No. 2 stoppage of two future increments falling due next with cumulative effect under clause 19.6(a) of Bipartite Settlement. The concerned workman preferred an appeal before the Appellate Authority. The Appellate Authority did not intervene in the punishment imposed by the Disciplinary Authority and confirmed the punishment imposed on the concerned workman. Challenging the illegal dismissal from service, the concerned workman raised an industrial dispute under section 2A(1) of Industrial Disputes Act, 1947 before the Regional Labour Commissioner Central, Chennai. As the attempt made for conciliation ended in a failure, failure of conciliation report was submitted by the conciliating Authority to the Govt., which in turn have referred this industrial dispute to this Tribunal for adjudication. The punishment imposed on the concerned workman by the Respondent/Bank is extreme and harsh. One Mr. Syed Abubucker, sub-staff, Indian Bank, Karaikkal was charged for committed fraud on the bank by opening a S. B. account in the fictitious name of S. Balan by forging purported D. Das so fabricated and forged for the credit of the said S. B. account and by making withdrawals from the proceeds so credited in the S. B. account. The said employee voluntarily admitted the misconduct under clause 19.12(e) of Bipartite Settlement with a request to take lenient view. In his case, his future increments were stopped with cumulative effect falling due next and his suspension order was revoked. Like that another employee by name Sri D. Gopal, Clerk/Shroff Indian Bank of Tiruvotriyur branch only stoppage of four increments with cumulative effect falling due next was awarded. But in the case of the concerned workman, the Respondent/Bank has failed to take a lenient view. This only shows that the action of the Respondent/Bank was vindictive, arbitrary and personally biased against the concerned workman. Hence, the concerned workman prays that this Hon'ble Tribunal to reappraise the evidence available on record under section 11A of the Industrial Disputes Act, 1947 and come to an independent conclusion to find out whether the charges levelled against the concerned workman has been proved in a manner known to law. Hence, it is prayed that this Hon'ble Court may be pleased to pass an award holding that the order of dismissal of the concerned workman from service passed by the Disciplinary Authority as illegal and unjustified and direct the Respondent/Bank to reinstate the Petitioner in service with back wages, continuity of service and all other attendant benefits.

3. The averments in the Counter Statement filed by the II Party/Management, Indian Bank, Chennai, (hereinafter refers to as Respondent) are briefly as follows :—

It is denied that the concerned workman Sri K. G. Sekar was discharging his duties faithfully and efficiently until he was suspended. Due to various misconducts of the concerned workman he was placed under suspension, pending disciplinary proceedings. As per provisions of

Bipartite Settlement between the Respondent/Management and the Unions, there is no obligation on the bank to give prior notice/opportunity before placing an employee under suspension, as per clause 19.12(e) of Bipartite Settlement dated 19-10-1966. Hence, the allegation of vindictiveness towards the concerned workman by the Respondent/Bank mentioned in the Claim Statement is denied. In the departmental enquiry conducted for enquiry into the charges levelled against the concerned workman, two witnesses were examined on the side of the management and 13 documents were exhibited. The charge sheeted employee was represented by the General Secretary of the Indian Bank Employees Union and the Clerk/Shroff of Villianur branch one Devanathan and J. Suresh were there as defence side observers. One Sri Jayaguru was examined as defence witness. The concerned workman had pleaded for condonation and confessed his lapses before the investigating official in the Katterikuppam branch premises in the presence of Mr. S. Somanathan, Manager of the branch and has also admitted that the borrower Sri Jayaguru was not aware of the encashment of the refund cheque Rs. 20,000. Thus, the concerned workman had with an intention to defraud the Respondent/Bank arranged for a loan and encashed a portion of it through impersonation, caused the supplier to part with the portion of the loan amount by posing himself as Branch Manager, fraudulently encashed that refunded cheque, suppressed all these facts and has misused his official position. In respect of the 2nd charge, it was found that the concerned workman not only failed to inform the bank for the sale immediately but also had not credited the sale proceeds to his SHL account. Mere remittance of the sale proceeds of the house site in the S. B. account of the concerned workman will not absolve him of his misconduct in disposing of the house site bought out of bank's concessional loan without obtaining prior permission from the Respondent/Bank and without the bank's knowledge and is prior consent. The investigation report together with exhibits were made available in the enquiry and the concerned workman had been given every opportunity to refute the same. Apart from this, the concerned workman was given ample and adequate opportunity to defend his case. In the departmental enquiry, technicalities of rule of evidence are not fully applicable. The enquiry held against the concerned workman is in compliance of principles of natural justice. On the basis of the available oral and documentary evidence, the Enquiry Officer concluded that the charge No. 1 and charge No. 2 have been proved beyond all reasonable doubts. The Enquiry Officer has come to the right conclusion based on valid and cogent reasons. The conduct of the concerned workman in respect of the loan he availed for building a house is unbecoming of an employee of the bank. By cogent oral and documentary evidence, the 2nd charge was proved. The Enquiry Officer has rightly concluded that the act of the concerned workman in parting with the security without liquidating the liability is fraudulent. The valuable security

supposed to have been given to the bank by way of deposit of title deeds was sold there is a potential loss likely to be caused to the bank because the bank lost the security. Since the proceeds were not credited, the loan account immediately the loan remain without security forcing a potential loss. Therefore, the concerned workman's contention that there is no loss caused to the bank is not correct. Abetting impersonation, forgery and suppression of facts with *mala fide* intention as indulged in by the concerned employee do constitute major misconducts as per provisions of Bipartite Settlement. The charges against the concerned workman were proved in a duly conducted departmental enquiry. The concerned workman with *mala fide* intention suppressed the fact of encashing the refund cheque of part amount of loan from the Branch Manager he had not advised the borrower to inform his difficulties to the Branch Manager for redressal, instead, he on his own approached the supplier and obtained a refund cheque. Thereafter by introducing another person as the borrower, he opened a new S. B. account at a different branch and encashed the refund cheque without the knowledge of the Branch Manager. The concerned workman had admitted his involvement in the surreptitious dealings by stating that another amount of Rs. 5000 was withdrawn by him on the authorisation of the borrower. All these transactions had been kept away from the knowledge of the Branch Manager. The enquiry was conducted as per the provisions of Bipartite Settlement in a fair and proper manner and ample opportunity was given to the concerned workman to defend himself at the enquiry. The Disciplinary Authority of the Respondent/Bank passed an order dated 22-4-95 imposing punishment on the concerned workman by dismissing him from service of the bank with immediate effect and without notice under clause 19.6(a) of Bipartite Settlement for charge No. 1 and by imposing punishment of stoppage of two future increments falling due next with cumulative effect under clause 19.6(d) of Bipartite Settlement for the proved charge No. 2. The punishment imposed by the Respondent on the concerned workman commensurate with the proved acts of gross misconducts. The concerned workman cannot claim lesser punishment based on the other cases, since Disciplinary Authority awards punishment taking into account various facts and circumstances pertaining to each and individual case and on merits. Prior to imposing punishment by the Disciplinary Authority, the concerned workman was issued the 2nd show cause notice dated 23-12-94 mentioning the proposed punishment and personal hearing on 9-1-95, but the concerned workman did not attend the personal hearing. At his request, he was once again given another opportunity of personal hearing on 18-1-95 and he appeared and gave his reply dated 21-1-95 to the 2nd show cause notice. The Disciplinary Authority after considering his reply imposed the punishment on 22-4-95. The Appellate Authority did not found adequate reasons/grounds in the appeal submitted by the concerned workman to interfere

with the punishment imposed by the Disciplinary Authority and hence, he confirmed the punishment by his order dated 24-8-95. The concerned workman being an employee of the bank, the financial institution, confidence alone is the sole requirement for employment in the bank. The acts of gross misconduct proved against the concerned workman show that he is not a fit person to be employed in the bank, a financial institution and the bank has lost faith in him. Further the acts of misconduct proved against him show that it is unbecoming of an employee of bank abusing his position through the help of his close relatives. The concerned workman is not entitled to claim any relief and in any event, he does not deserve the relief of reinstatement. The punishment was properly and correctly awarded by the Disciplinary Authority, after following the due procedure and observing principles of natural justice. Hence, the punishment imposed on the concerned workman Sri K. G. Sekar is fair, proper and justified. In the event of this Hon'ble Tribunal holding that the enquiry is not fair and proper and/or the findings of the Enquiry Officer are perverse, the Respondent/Bank craves leave of this Hon'ble Tribunal to lead/adduce evidence before this Hon'ble Tribunal to substantiate the charges levelled against the concerned workman. In the circumstances, it is prayed that this Hon'ble Tribunal may be pleased to reject the reference by dismissing the claim of the concerned workman.

4. When the matter was taken up for enquiry, no one has been examined on either side as a witness. Documents have been marked as exhibit by the consent of the learned counsel on either side as Ex. W1 to W12 and M1 to M8 respectively. Learned counsel on either side have filed their respective written arguments.

5. The point for my consideration is :—

"Whether the management of Indian Bank is justified in dismissing Shri K. G. Sekar, Agricultural Assistant from the services of the bank if not, what relief the workman is entitled to?"

Point :—

It is admitted that the concerned workman Sri K. G. Sekar was working as Agricultural Assistant in Katterikuppam branch of the Respondent/Indian Bank Management. It is also admitted that a schematic loan was granted to one Sri Jayaguru at the Villianur branch of the Respondent/Bank on 11-5-93 for the purchase of an Auto rickshaw and the said loan was arranged by the concerned workman to Sri A. Jayaguru, his sister's son. The loan proceeds of Rs. 42,261 were remitted on 9-7-93 to M/s. Hasan Kuthoos Maraicar Ltd. Pondicherry for supply of an auto rickshaw to Sri Jayaguru by the concerned workman. It is also admitted that the concerned workman Sri K. G. Sekar availed a staff housing loan on 8-1-93 at Villianur branch and got release of the loan amount of Rs. 50,000 at the first stage for the purchase of a land and

Rs. 23,500 at the 2nd stage of the loan and the amounts were released to him without the original sale deed and the concerned workman without informing the bank disposed the plot to third party and had remitted the sale proceeds in his S.B. account and not in the staff housing loan account. For the alleged misconduct of the concerned workman for these two transactions, the charge sheet was issued to him and disciplinary proceedings was taken by the Respondent/Bank management against the concerned workman. Prior to that two offices from the Zonal Office of the Respondent/Bank investigated the alleged irregularities committed by the concerned workman at Katterikuppam and Villianur branch of the Respondent/Bank. Ex. M3 is the xerox copy of the charge memo dated 3-5-94 issued to concerned workman Sri K.G. Sekar by the Disciplinary Authority. Prior to that the concerned workman was placed under suspension by an order dated 18-1-1994 by the Disciplinary Authority for the alleged misconducts. The xerox copy of that order is Ex. W2. The concerned workman was issued a show cause notice dated 3-3-1994 calling upon him to show cause as to why disciplinary proceedings should not be initiated against him for the alleged misconducts. The xerox copy of that show cause notice dated 3-3-94 is Ex. W3. For that the concerned workman has submitted his reply dated 5-4-94. The xerox copy of the same is Ex. W4. Having not satisfied with the reply given by the concerned workman under Ex. W4, the Disciplinary Authority has passed an order dated 3-5-94 by framing charges against the concerned workman for the alleged misconducts and has appointed the Enquiry Officer for conducting the departmental enquiry under Ex. M3. Then a departmental enquiry has been conducted and proceedings were recorded, the xerox copy of the same is Ex. M1. In the departmental enquiry, documents were exhibited on the side of the management in support of the charges levelled against the concerned workman as management exhibits 1 to 10. The xerox copy of the same is Ex. W1 series. Apart from that two more documents have been exhibited in the departmental enquiry on the side of the management as MEX 11 and MEX 12. The xerox copy of the same are Ex. M2 series. Before the Enquiry Officer on conclusion of the enquiry, the Presenting Officer has submitted his written brief. The xerox copy of the same is Ex. M4. Like that, the defence representative also has submitted his written summing up of submissions. The xerox copy of the same is Ex. W6. After having gone through the enquiry proceedings and exhibits marked and summing up of Presenting Officer as well as the defence representative, the Enquiry Officer has given his findings against the charges levelled against the concerned workman as the charge sheeted employee is guilty of the charge No. 1 and 2. The xerox copy of his findings is Ex. W5. Then the Disciplinary Authority after having gone through the enquiry proceedings and the findings of the Enquiry Officer had passed speaking order dated 19-12-94 for issuing a 2nd show cause notice to the concerned

workman. The xerox copy of the said speaking order dated 19-12-94 is Ex. W7. The 2nd show cause notice was issued to the concerned workman calling upon him to give his reply within ten days from the date of receipt of that notice and to appear before the Disciplinary Authority for personnel hearing on 9-1-95. The xerox copy of that 2nd show cause notice dated 23-12-94 is Ex. W8. The defence representative has submitted his reply to the 2nd show cause notice. The xerox copy of the same is Ex. W9. After considering the reply the Disciplinary Authority has passed the order dated 22-4-95 imposing punishment on the concerned workman. The xerox copy of the same is Ex. W10. Against that an appeal was submitted to Appellate Authority by the defence representative. The xerox copy of the same is Ex. W11. The Appellate Authority after considering all the materials and appeal has passed an order dated 22-4-95 by dismissing the appeal preferred by the concerned workman Sri K.G. Sekar by confirming the punishment imposed by the Disciplinary Authority. The xerox copy of that order of Appellate Authority is Ex. W12. Subsequent to the imposing of punishment for his proved misconduct by the Disciplinary Authority which has been subsequently confirmed by the Appellate Authority, the concerned workman sent a letter dated 3-6-96, requesting the Respondent/Bank management for settling the balance amount due to him. The xerox copy of that letter is Ex. M5. In respect of the misconduct of the concerned workman a criminal case has been initiated through the CID of Police, Pondicherry. For the purpose of investigating the criminal complaint lodged with the CID of Police, Pondicherry, for the alleged misconduct of the concerned workman at the requisition made by the police, documents pertaining to these transactions available in the bank were furnished to the police along with covering letters dated 19-3-97, and 3-4-97. The Xerox copies of those letters are Ex. M6 to M8 respectively.

6. It is the contention of the concerned workman that he had arranged for an Auto rickshaw loan for his nephew Sri Jayaguru in the Respondent/Bank branch at Villianur and he has stood as guarantor to the loan. Though the cheque was drawn in favour of the dealer in Pondicherry as the vehicle was not supplied for months together and interest was mounting, refund of Rs. 20,000 in the name of his nephew Sri Jayaguru from the cashier of the dealer company was obtained as two cheques and that Sri Jayaguru gave Rs. 14,000 to the charge sheeted employee who has deposited that amount in his account in Villianur branch and the money is still in tact and in his letter to the bank dated 3-6-96 he has authorised the bank to take the money, therefore, there is no loss to the bank. The said company Cashier Deenadayalan has not been examined in the enquiry. But the Enquiry Officer has relied upon the evidence of investigating officer, who had interrogated Mr. Deenadayalan, so it is violation of natural justice and the *ex-parte* statement made by Deenadayalan will not

become evidence, unless he come and affirms the correctness of such statements and by giving an opportunity to the charge sheeted employee to cross examine him. It is the contention of the counsel for the I Party that the charge sheeted employee has not done anything clandestinely because on realising that he sold the plot without the bank's permission, he had deposited the money in Villianur branch itself and the amount is available in the bank in tact and charge sheeted employee would have returned the money at any time and that he kept it in his account because the Accountant told him that in the absence of the Manager, he cannot accept the money and there is no provision to take permission to sell the flat and even if permission was taken there was no bad motive because the charge sheeted employee was in a hurry to retrieve the money because the plot was encumbered. Further there was no loss of money or reputation caused to the bank. The management has got to consider the past record of service of the concerned workman which is blemishless. Having failed to do so, the punishment of dismissal from service imposed by the Disciplinary Authority was an extreme one because there was no misconduct committed and there was no loss to the bank and further, the punishment is extreme and harsh and therefore, the Hon'ble Tribunal may be pleased to pass an award directing the Respondent/Bank management to reinstate the concerned workman in service with back wages and continuity of service.

7. The learned counsel for the Respondent/Management would argue that it is seen from records that during the course of interrogation by bank officers, who had investigated the case earlier, the concerned charge sheeted employee had confessed his guilt and pleaded for condonation and had admitted that he had committed the wrong and that he would repay the auto rickshaw loan amount shortly. By considering the evidence let in by the Management in the enquiry, the Enquiry Officer gave a fair and proper finding by giving cogent reasons for disbelieving the evidence let in on the side of the charge sheeted employee. The charges proved against the concerned workman are very serious in nature and acts of misconduct committed by him are unbecoming an employee of financial institution like the Respondent/Bank. The departmental enquiry was conducted as per the provisions of Bipartite Settlement and in accordance with principles of natural justice and ample and adequate opportunities were provided to the charge sheeted employee at all stages. The Enquiry Officer's findings are based upon the evidence oral and documentary and it cannot be said to be perverse.

8. A perusal of the entire records inclusive of enquiry proceedings and Enquiry Officer's report and findings clearly show that the arguments advanced by the learned counsel for the Respondent/Management are correct. There is no reason to believe that the findings of the Enquiry

Officer are perverse and the charge sheeted employee was not given proper and ample opportunity to put forth his defence effectively. On the other hand, it is evident from the materials by way of oral and documentary evidence available in this case which were let in before the Enquiry Officer to show that there is no violation of principles of natural justice in conducting the departmental enquiry by the Respondent/Management. In banking business absolute devotion, diligence, integrity and honesty have to be preserved by every bank employee, otherwise, confidence of the public and depositor would be shaken. From the materials available in this case by way of documents produced before the enquiry, it has been clearly established that the concerned workman and the charge sheeted employee was guilty of the charges levelled against him. The charges proved against him in the domestic enquiry are very serious in nature and the acts of misconduct committed by him are an unbecoming of an employee of financial institution like Respondent/Bank as correctly put forth by the learned counsel for the Respondent/Management. There are ample evidence available by way of oral and documentary evidence in this case that the 2nd charge levelled against the concerned workman also has been proved as correctly contended by the learned counsel for the Respondent/Management that the statement given by the Cashier of the dealer company Mr. Deenadayalan before the Investigating Officer has been corroborated by the confession statement given by the charge sheeted employee himself before the investigating officer. The contention of the concerned charge sheeted employee that he has not voluntarily confessed the guilt has not been established by him in the enquiry with acceptable evidence. The judgments relied upon by the counsel for the I Party/Claimant have no application to the facts of the present case. As rightly contended by the learned counsel for the Respondent/Management that when the two charges proved against the concerned workman are serious in nature, there is no necessity to look into the past records of the concerned workman or extenuating circumstances. There are sufficient materials available as it is seen from the entire enquiry proceedings to establish that the concerned charge sheeted employee has taken away the money of the bank dishonestly for the purpose of clandestinely enriching himself. Thus, the proved charges are serious in nature. So there is no necessity to look into the past record of service. It is also decided so by the Hon'ble High Court of Madras in a case reported as 1993 2LLJ 364 A.S. KASINATHAN Vs. MADRAS DOCK LABOUR BOARD. As per the cited decision, when the management take into account the gravity of misconduct the previous record of the workman need not be taken into consideration having regard to the mandatory nature of the standing order in awarding punishment for the misconduct of the workman. Here, in this case, it is seen that the misconduct committed by the concerned workman is so grave in nature which warrants

punishment as per the clauses 19.6(a) and (d) of Bipartite Settlement. Only when the misconduct committed by the charge sheeted employee is trivial and trifling nature, the punishment of dismissal from service can be considered as disproportionate to the gravity of the proved misconduct. But, in this present case, the proved misconducts of the concerned workman are very serious in nature, which warrants no leniency in imposing punishment. Hence, under such circumstances, it cannot be said that the punishment of dismissal from service imposed by the Disciplinary Authority for the proved charge against the concerned workman warrants any interference by this Tribunal by invoking Section 11A of the Industrial Disputes Act, 1947. Under such circumstances, the Respondent/Bank management was correct in taking proper action against the concerned workman, in imposing punishment for the proved misconduct by dismissing him from service, since no other punishment would be adequate, where the concerned workman has totally failed to maintain absolute integrity and honesty in discharging his duties as bank employee. Under such circumstances, it can be concluded that the management of Indian Bank is justified in dismissing Sri K. G. Sekar, Agricultural Assistant from the services of the bank and the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

9. In the result, an Award is passed holding that the concerned workman Sri K. G. Sekar is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 9th January, 2003.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None

Documents Exhibited :

For the I Party/Workman :

Ex. No.	Date	Description
W1 series	30-12-93	Xerox copy of the letter from Regional Manager to Zonal Manager, Indian Bank, Trichy and Management exhibits.
W2	18-01-94	Xerox copy of the suspension letter issued by Respondent/Bank to concerned workman.
W3	03-03-94	Xerox copy of the show cause notice issued to concerned workman.
W4	05-04-94	Xerox copy of the reply given by concerned workman to show cause notice.

Ex. No.	Date	Description
W5	20-10-94	Xerox copy of the findings of the Enquiry Officer.
W6	Nil	Xerox copy of the defence brief submitted to Enquiry Officer.
W7	19-12-94	Xerox copy of the order of Disciplinary Authority.
W8	23-12-94	Xerox copy of the 2nd show cause notice issued to concerned workman.
W9	Nil	Xerox copy of the defence brief for the 2nd show cause Notice.
W10	22-04-95	Xerox copy of the order of dismissal passed by Disciplinary Authority against the concerned workman.
W11	Nil	Xerox copy of the appeal preferred by concerned workman.
W12	24-08-95	Xerox copy of the order of Appellate Authority

For the II Party/Management :

Ex. No.	Date	Description
M1	Nil	Xerox copy of the enquiry proceedings.
M2 series	10-02-93	Xerox copy of the letter from concerned workman to Manager, Indian Bank, Villianur branch regarding release of 1st disbursement of loan and exhibits.
M3	03-05-94	Xerox copy of the letter from Disciplinary Authority. To concerned workman.
M4	16-08-94	Xerox copy of the written brief submitted by Presenting Officer before Enquiry Officer.
M5	03-06-96	Xerox copy of the letter from concerned workman to Respondent/Bank with regard to claim of balance amount.

Ex. No.	Date	Description
M6	19-03-97	Xerox copy of the letter from Respondent/Bank to Inspector of Police, Pondicherry submitting original documents.
M7	19-03-97	Xerox copy of the letter from Respondent/Bank to Inspector of Police, Pondicherry submitting original documents.
M8	03-04-97	Xerox copy of the letter from Respondent/Bank to Inspector of Police, Pondicherry submitting original documents.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 920—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडियन ओवरसीज बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 97/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/223/98-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 920.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Indian Overseas Bank and their workman, which was received by the Central Government on 17-2-2003.

[No. L-12012/223/98-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Thursday, the 9th December, 2003

PRESENT : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 97/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 47/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of

the Industrial Disputes Act, 1947 (14 of 1947), between the Workman and the Management of the India Overseas Bank.)

BETWEEN:

The Vice President, : I Party/Claimant
All India Overseas Bank
Employees Union,
Chennai.

AND

The Chairman-cum-Managing : II Party/Management
Director,
Indian Overseas Bank,
Chennai

APPEARANCE:

For the Claimant : Sri C. R. Chandrasekaran,
& N. Krishnakumar,
Advocates

For the Management : M/s. N. G. R. Prasad &
R. Prabavathy,
Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-12012/223/98/IR(B-II) dated 22-02-99/09-03-99.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where the same was taken on file as I.D. No. 47/99. When the matter was pending enquiry in that Tribunal, Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu State Industrial Tribunal to this Tribunal for adjudication. On receipt of records from that Tamil Nadu State Industrial Tribunal, this case has been taken on file as I.D. No. 97/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 30-01-2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and prosecuted this case further. The Claim Statement and Counter Statement of the respective parties have been filed before the Tamil Nadu State Industrial Tribunal, when the matter was pending before that Tribunal for adjudication. After the case has been transferred to the file of this Tribunal fresh Claim Statement and the fresh Counter Statement have been filed by both the parties before this Tribunal for adjudication.

Upon perusing the Claim Statement, Counter Statement, the documentary evidence let in on the side of the II Party/Management alone, the other material papers on record, the written arguments filed by the learned counsel for the II Party/Management, after hearing the arguments

advanced by the learned counsel for the I Party/Claimant and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above-mentioned order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

"Whether the order of dismissal dated 31-3-96 issued by the management of Indian Overseas Bank against the workman Sri M. Rajangam is justified? If not, what relief is he entitled to?"

2. The averments in the Claim Statement filed by the I Party/Claimant Union (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner Union has raised this industrial dispute espousing the cause of the workman Sri M. Rajangam challenging the action of the II Party/Management Indian Overseas Bank passing an order dated 31-03-96 dismissing the concerned workman from service as unjustified. The concerned workman joined as messenger in the subordinate cadre in 1983 in the Respondent/Bank Indian Overseas Bank on permanent basis. He was working in the II Party/Management Indian Overseas Bank (hereinafter refers to as Respondent) in their Nachalur branch till he was illegally dismissed from service. He was suspended on 10-11-92 without informing him of the particulars of charge but vaguely and in general terms stating inter-alia that he had committed certain acts of commission and omission which are prejudicial to the interest of the bank in terms of para 17.12(b) of Bipartite Settlement dated 14-12-66. He was served with a charge sheet dated 10-5-93. It is alleged in the charge memo that on 30-11-90 a small loan for Rs. 5,000 was sanctioned by the branch to his brother Sri M. Krishnamurthy for a provision shop under loan No. 39/90, that the loan proceeds were credited to the S.B. account of Mr. M. Krishnamurthy that a banker's cheque for Rs. 5,029 in favour of Arunachalam Maligai was issued by debiting the above borrower's S.B. account and that the proceeds of the banker's cheque for Rs. 5,015 was credited to S.B. A/c No. 2263 of Sri Arunachalam, staff of the branch. The charge proceeds to aver that on 1-12-90 Sri Arunachalam withdrew Rs. 10,044 from the S.B. Account and out of Rs. 10,044 a sum of Rs. 5,029 was received by the workman from the cashier Mr. S. Subramanian and that the workman had availed the above loan in the name of his brother. The charge itself is based on wrong premises and misconceived and is not sustainable. In the enquiry conducted in respect of the charge memo against the concerned workman, two witnesses for the management have been examined and 10 documents have been exhibited. On the basis of the deposition of MW1/MW2 or on the basis of the records placed before the enquiry, nothing has been established and the findings are based on doubts and surmises. It is

based on no evidence and in fact, on the evidence contrary to what is spoken to in the charge sheet. The domestic enquiry was not fairly and properly conducted besides the conclusion of the Disciplinary Authority are perverse. The Appellate Authority has not applied his mind and he has omitted to consider the submissions of the workman in his appeal but has vainly attempted to dig out flimsy reasons to confirm the order of dismissal issued by the Disciplinary Authority. The action of the Respondent is vindictive and untenable. Hence, it is prayed that this Hon'ble Tribunal may be pleased to hold that the dismissal of Sri M. Rajangam who was a messenger in the administration of the Respondent is not justified and order his reinstatement with all consequential benefits. Even assuming without admitting that the charge is held as established, the workman cannot be held to have committed any act of commission or omission involving any misappropriation. There is no loss to the bank. The workman has put in ten years of honest and sincere service in the respondent/Bank. Hence, the claimant union submits to invoke the jurisdiction of this Hon'ble Tribunal under section 11A of the Industrial Disputes Act for relief of reinstatement.

3. The averments in the Counter Statement filed by the II Party/Management Indian Overseas Bank, Chennai (hereinafter refers to as Respondent) are briefly as follows :—

The concerned workman was dismissed from service after holding an valid domestic enquiry. The enquiry against him was held in a fair manner following the principles of natural justice. It is denied that the charge sheet is vague and also the acts of commission and omission does not warrant either suspension or charge sheet. The concerned workman while working as daftry at Nachalur branch of Indian Overseas Bank availed a small loan of Rs. 5,000 on 31-1-90 in the name of his brother M. Krishnamurthy. The concerned workman had also fraudulently and dishonestly colluded with Mr. Subramanian, cashier and received a sum of Rs. 5,029 from out of the loan proceeds. As these acts amounted to gross misconduct in terms of para 17.5(d) and 17.5(j) of Bipartite Settlement between the bank and its workmen as amended upto date, the Disciplinary Authority issued the charge sheet to the Petitioner on 10-5-93. It is clear from the documentary and oral evidence that the concerned workman himself has received a sum of Rs. 5,029 from the cashier. He himself has admitted in the personal hearing proceedings on 10-05-93 that the loan was obtained in the name of his brother for the benefit of the concerned workman only. The charge is definite and specific to the issue. It is required by the management to suspend the employee who committed serious irregularities. Otherwise, the continuance of his service in the bank will jeopardize its interest. The concerned workman's action is prejudicial to the interest of the bank. Based on the actual facts and on valid domestic enquiry only proper action was taken against the concerned workman. Sufficient evidence to make

it clear that the amount of Rs. 5,000 of the loan proceeds were only enjoyed by the concerned workman Mr. Rajangam wherein actually the loan was sanctioned in the name of his brother Mr. Krishnamurthy. Thus, the concerned workman misappropriated a sum of Rs. 5,000 and made a wrongful gain by availing the loan in his brother's name. The concerned workman has neither examined nor brought any document to prove that his brother only enjoyed the loan proceeds. The findings of the Enquiry Officer is proper and valid. The enquiry was conducted in a fair manner. It is denied that the order passed by the Disciplinary Authority was perverse and that he had not applied his mind. He had taken into consideration the relevant facts and the materials placed before him. The Appellate Authority has given personal hearings to the concerned workman and considered his reply as well as oral submissions made by him. Then only the Appellate Authority passed a detailed and reasoned order confirming the order of dismissal received from the Disciplinary Authority. The concerned workman had been dismissed from service because of his serious misconduct in misappropriating the customer's money. The act committed by him show moral turpitude on his part as an employee of a bank committed misappropriation cannot be retained in service. There are no justifiable grounds to reinstate the concerned workman in bank's service. Hence, it is prayed that this Hon'ble Court may be pleased to dismiss the claim of the Petitioner Union. If this Hon'ble Tribunal considers that the domestic enquiry proceedings were not conducted in a fair and proper manner, the Respondent may be permitted to adduce fresh witnesses and documents to prove the charges against the concerned workman.

4. When the matter was taken up for enquiry finally, no one has been examined as a witness on either side. No document has been marked as an exhibit on the side of the I Party/Claimant. Documents filed on the side of the II Party/Management have been marked by consent of the learned counsel on either side as Ex. M1 to M27. Learned counsel for the I Party/Claimant has advanced his oral arguments and the learned counsel for the II Party/Management has filed his written arguments.

5. The Point for my consideration is :

"Whether the order of dismissal dated 31-3-96 issued by the management of Indian Overseas Bank against the workman Sri M. Rajangam is justified ? If not, what relief is he entitled to ?"

Point :

The I Party/Claimant All India Overseas Bank Employees Union has raised this dispute espousing the cause of the concerned workman Sri M. Rajangam challenging the order passed by the Respondent/Bank management dated 31-3-96 for dismissing the concerned workman from Respondent/Bank's service. It is admitted that the concerned workman had joined the Respondent/

Bank in the year 1983 and was employed as Daftry. He was lastly employed in Nachalur branch of Respondent/Bank and was dismissed from service from 27-4-96 in pursuance of issuance of a charge memo dated 10-5-93. It is admitted that before passing the order awarding punishment for the proved misconduct, the Petitioner was given a personal hearing by the Disciplinary Authority on 17-4-96. It is also admitted that the Appellate Authority also had given the Petitioner a personal hearing on 19-8-96 before dismissing the appeal by confirming the order of the Disciplinary Authority. Ex. M1 is the xerox copy of the suspension order dated 8-12-92 pending disciplinary proceedings against the Petitioner for the alleged acts of commission and omission of the Petitioner which are prejudicial to the interest of the bank. Ex. M2 is the xerox copy of the charge sheet dated 10-5-93 issued to the Petitioner. It is alleged in the charge sheet that on 30-11-90 a small loan for Rs. 5,000 was sanctioned by the Nachalur branch in the name of the Petitioner's brother Sri M. Krishnamurthy for provision shop under loan No. 39/90 and the loan proceeds were credited to his S.B. account and that the banker's cheque for Rs. 5,029 favouring Arunachalam Maligai was issued by debiting the above borrower's S.B. account. But, the proceeds of the above banker's cheque was credited to the S.B. account No. 2263 Sri Arunachalam staff of the branch and that on 1-12-90 Sri Arunachalam withdrew Rs. 10,044 from his S.B. account and out of Rs. 10,044 a sum of Rs. 5,029 was received by the Petitioner from the cashier Mr. S. Subramaniam and thus, the Petitioner had availed the said loan in the name of his brother and that it is an act committed by the Petitioner which rendered him liable for having committed wilful damage to the property of the bank/customer and also for doing acts prejudicial to the interest of the bank within the meaning of expressions appearing in para 17.5(d) and 17.5(j) of Bipartite Settlement dated 14-12-66. For this charge memo, the Petitioner has not submitted any explanation in spite of the fact that he was advised in the charge sheet itself that if he fails to submit his explanation within ten days from the date of receipt of that charge sheet, disciplinary action would be taken against him. Accordingly, a departmental enquiry was conducted. The xerox copy of the proceedings of the enquiry are Ex. M3 to M6. Then the defence representative has submitted his written submission on 12-1-96. The xerox copy of the same is Ex. M7. Ex. M8 is the xerox copy of the proceedings of the enquiry dated 12-1-96. Ex. M9 is the xerox copy of the Presenting Officer's written brief submitted to the Enquiry Officer. Prior to this, two Inspectors from Indian Overseas Bank Central Office, Madras have been advised by Inspection Department to conduct special investigation into some serious irregularities committed by Manager Mr. Muruganandam in the grant conduct and use of advances during his tenure of office at Nachalur branch. Accordingly they conducted special investigation and submitted their investigation dated 1-10-92. The xerox copy of the same is Ex. M27. At that time, the concerned

workman Sri M. Rajangam was working as Daftry in that branch. It is seen from the enquiry proceedings that two witnesses on the side of the management were examined. The first witness is the Officer, Inspection Department and the 2nd witness is the Manager, Indian Overseas Bank, Nachalur branch and 10 documents have been exhibited on the side of the Management. From the management documents, it is seen that the chargesheeted employee himself has admitted that the borrower of SL 39/90 Krishnamurthy is his brother and the ledger folio entry reflects that the loan availed by his brother. Exhibits M 18 to M 26 are the xerox copies of documents exhibited in the domestic enquiry conducted against the concerned workman, chargesheeted employee Sri M. Rajangam. A perusal of these documents reflects the loan transaction referred to in the charge levelled against the concerned workman. Ex. M 26 which has been marked as MEX 10 in the domestic enquiry reveals that the chargesheeted employee himself has repaid the outstanding on small loan account 39/1990 of his brother Sri Krishnamurthy and closed the said small loan on 22-8-92. This itself establishes that the small loan of Rs. 5000 was availed by the concerned workman sanctioned in the name of his brother. In the personal hearing before the Disciplinary Authority, the chargesheeted employee has admitted his involvement in this transaction and had pleaded before the Disciplinary Authority for a lesser punishment. That has been recorded by the Disciplinary Authority in the presence of the defence representative and the same has been signed by all the three of them. The xerox copy of the document has been filed by the Respondent/Management as a proceedings of the personal hearing in respect of the show cause notice given to the concerned workman by the Disciplinary Authority on 17-4-96. It is Ex. M 11. On the basis of the proved charges against the chargesheeted employee and having considered the nature of the charge, the Disciplinary Authority has dismissed the chargesheeted employee from service and the xerox copy of the same is Ex. M 12. Against that the concerned workman has submitted an appeal to the Appellate Authority and the xerox copy of the same is Ex. M 13 and the Appellate Authority had given a personal hearing to the concerned workman and the xerox copy of the notice issued for the personal hearing dated 27-7-96 by the Appellate Authority is Ex. M 14. Ex. M 15 is the xerox copy of the proceedings of the Appellate Authority in the personal hearing. In that also, the chargesheeted employee has requested the Appellate Authority to consider sympathetically and the Appellate Authority has passed an order confirming the order of the Disciplinary Authority. The xerox copy of the same is Ex. M 17. There are sufficient materials available in this case by way of oral and documentary evidence on the side of the bank management that the concerned workman bank employee has utilised the facility extended as small loans to the intended agriculturists and self-employed people, utilising his position as a bank employee, which is prejudicial to the

interest of the bank. If really, the concerned workman has not at all having any connection with that small loan, he would not have repaid the outstanding towards that loan raised in the name of his brother Krishnamurthy under Ex. M 26. So, this has been proved as a misconduct committed by the concerned workman as alleged in the charge memo. Since such a misconduct of the concerned workman happens to be serious misconduct, there is no necessity to look into his past record for consideration to award him a lenient punishment. From the available materials, it is seen that a proper enquiry has been held and the charges levelled against the concerned workman had been clearly established and on that basis the Enquiry Officer has found the chargesheeted employee guilty of charges and has given his findings to that effect in his report Ex. M 10. Apart from that the chargesheeted employee himself has admitted his guilt before the Disciplinary Authority himself in the personal hearing. So, having found that the charges levelled against the concerned workman have been proved and the Enquiry Officer has given his finding that the chargesheeted employee is guilty of the charges, the Disciplinary Authority after taken all these aspects to due consideration and passed an order awarding punishment to the chargesheeted employee for the proved misconduct by dismissing him from the services of the bank. It is also seen from the xerox copy of the order passed by the Hon'ble High Court in W.P. No. 17447/96 that the Manager of the bank branch was also involved in the transaction and was dismissed from service, preferred a writ petition against the dismissal order and the same was dismissed by the Hon'ble High Court. From all these things, it is clear that the action of the Respondent/Bank management in dismissing the concerned workman Sri M. Rajangam from the services of the bank is justified and hence, the concerned workman is not entitled to any relief. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the concerned workman Sri M. Rajangam is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 9th January, 2003).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Exhibited :—

For the I Party/Claimant : Nil

For the II Party/Management :—

Ex. No.	Date	Description
M 1	08-12-92	Xerox copy of the order of suspension issued to concerned workman

Ex. No.	Date	Description
M 2	10-05-93	Xerox copy of the charge sheet issued to concerned workman
M 3	30-07-93	Xerox copy of the enquiry proceedings
M 4	26-07-94	Xerox copy of the enquiry proceedings
M 5	27-07-94	Xerox copy of the enquiry proceedings
M 6	15-11-94	Xerox copy of the enquiry proceedings
M 7	12-01-96	Xerox copy of the written submission made by defence representative before Enquiry Officer
M 8	12-01-96	Xerox copy of the enquiry proceedings
M 9	20-01-96	Xerox copy of the written brief of Presenting Officer before Enquiry Officer
M 10	30-03-96	Xerox copy of the show cause cum personal hearing notice issued to concerned workman by Disciplinary Authority enclosing findings of Enquiry Officer
M 11	17-04-96	Xerox copy of the proceedings of personal hearing.
M 12	27-04-96	Xerox copy of the order of dismissal passed by Disciplinary Authority
M 13	16-05-96	Xerox copy of the appeal preferred by concerned workman to Appellate Authority
M 14	27-07-96	Xerox copy of the notice of personal hearing issued by Appellate Authority to concerned workman
M 15	19-08-96	Xerox copy of the proceedings of personal hearing before Appellate Authority
M 16	19-08-96	Xerox copy of the written submission made by concerned workman before Appellate Authority
M 17	17-09-96	Xerox copy of the order of Appellate Authority against concerned workman
M 18	Dec. 88 to Jan. 1993	Xerox copy of the attendance register maintained by Respondent
M 19	Nil	Xerox copy of the small loan ledger folio No. 95—Loan A/c. No. 39/90 of M. Krishnamurthy
M 20	Nil	Xerox copy of the ledger folio of S.B. Account 3386
M 21	Nil	Xerox copy of the bankers Cheque No. 40/80 dt. 1-12-90 for Rs. 5029 favouring Arunachalam Maligai

Ex. No.	Date	Description
M 22	Nil	Xerox copy of the S.B. ledger folio A/c. 2263 of Arunachalam
M 23	Nil	Xerox copy of the credit transfer voucher dt. 1-12-90 for Rs. 10,044 of S.B. Account No. 2263
M 24	01-12-90	Xerox copy of the withdrawal slip SB A/c. No. 2263 for Rs. 10,044
M 25	30-11-90	Xerox copy of the bankers cheque No. 39/90 dt. 30-11-90 for Rs. 5015
M 26	22-08-92	Xerox copy of the credit cash voucher dt. 22-8-92 for Rs. 5840
M 27	01-10-92	Xerox copy of the investigation report submitted to General Manager of Respondent/Bank.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 921—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडियन ओवरसीज बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 696/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/49/99-आई.आर.(बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 921.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 696/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Indian Overseas Bank and their workman, which was received by the Central Government on 17-2-2003.

[No. L-12012/49/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Monday, the 10th February, 2003

PRESENT: K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 696/2001

(Tamil Nadu Principal Labour Court CGID No. 344/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri R. Rajasekaran and the Management of Indian Overseas Bank, Chennai.]

BETWEEN

Sri R. Rajasekaran : I Party/Workman

AND

The Assistant General Manager, : II Party/Management
Indian Overseas Bank, Chennai

APPEARANCE :

For the Workman : Sri S. Ayyathurai,
Advocate

For the Management : M/s. N. G. R. Prasad &
S. Satish Kumar,
Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-12012/49/99/IR(B-II) dated 07/11-06-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, Chennai, where the same was taken on file as CGID No. 344/99. When the matter was pending enquiry in that Principal Labour Court, the Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Tamil Nadu Principal Labour Court, this case has been taken on file as I.D. No. 696/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 29-10-2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and prosecuted this case further. The Claim Statement of the I Party/Workman and Counter Statement of the II Party/Management were filed earlier before the Tamil Nadu Principal Labour Court, Chennai, when the matter was pending there for adjudication and the reply statement of the I Party/Workman was filed before this Tribunal after the case has been transferred from the Principal Labour Court to this Tribunal for adjudication.

Upon perusing the Claim Statement, Counter Statement, reply statement filed by the I Party/Workman the oral and documentary evidence let in on the either side, the other material papers on record, after hearing the arguments advanced by the learned counsel on either side

and this matter having stood over till this date for consideration this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Indian Overseas Bank in voluntarily retiring the services of Shri R. Rajasekaran with effect from 02-02-1995 is justified? If not to what relief he is entitled?”

2. The averments in the Claim Statement of the I Party/Workman Sri R. Rajasekaran (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner joined the services of the II Party/Management Indian Overseas Bank (hereinafter refers to as Respondent) in March, 1978 as a sub-staff in its branch at Triplicane at Chennai. He was diligently discharging his duties for the satisfaction of every one. In September, 1994 the Petitioner's mother fell ill, so he applied for leave on 9-9-94 and went to Trivendrum to see his ailing mother. As he had to attend to her needs, he applied for extension of leave. To his misfortune, he also fell ill. Therefore, he again applied for extension of leave. The management did not send any reply rejecting his request for extension of leave. The Petitioner returned to Madras only in March, 1995 and went to Triplicane branch of the bank where he was working. There he was told that his services have been terminated by the bank under the provision for voluntary retirement w.e.f. 2-1-95 and he has no lien on the service of the bank w.e.f. 2-2-95 claiming that his services had been terminated w.e.f. 2-2-95. The management did not send the order of termination to the Petitioner's address in Trivendrum. After getting a copy of the order of termination, the Petitioner met the Union leader Mr. N. Balasubramanian, President of All India Overseas Bank Employees Union for help. He said that he would do the needful. The Petitioner waited for three months and he again met the President of the Union, who said that the management was not willing to take back the Petitioner and it is better to directly meet the General Manager and the Managing Director. Accordingly, the Petitioner met the General Manager and the Managing Director who said that they could reinstate him provided, Union did not demand for reinstatement of similarly placed employees and the Petitioner contacted the Union President again. He said that he could not give any assurance to that effect. Therefore, the Petitioner again approached the General Manager and requested for reinstatement. The General Manager said that he could not reinstate the Petitioner in service as it would give room for similar demands from similarly placed employees. Since the Petitioner had no means to consult a lawyer, he approached the legal aid centre for help and has raised a dispute under section 2A before the Assistant Labour Commissioner (Central), Chennai for conciliation. As that effort ended in

a failure, on submission of his failure report to the Govt. this dispute has been referred to this Tribunal for adjudication. The order of termination of the Petitioner's services dated 20-2-95 is contrary to law and facts and hence, it is illegal and unjust. It is violative of the principles of natural justice. The bank management is aware of the Petitioner's address at Trivendrum but they did not send any notice or letter to his address at Trivendrum and they deliberately sent to the local address, with a result the Petitioner was denied reasonable opportunity of defending himself against the termination of his service. The Respondent/Management should have conducted an enquiry and given the Petitioner an opportunity to put forth his case and then only should have passed the order of termination. The Petitioner did not voluntarily retired from service and nor did he abandon his job. The bank management has terminated the services of the Petitioner in violation of principles of natural justice. It amounts to retrenchment. Since the Respondent/Management did not comply with the provisions of Section 25F of Industrial Disputes Act, it is void, illegal and unjust. There cannot be retrospective termination of services of the Petitioner. Hence, it is liable to be set aside. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to pass an award holding that the non-employment of the Petitioner is not justified and the Respondent may be directed to reinstate the Petitioner in service with continuity of service, back wages and other attendant benefits.

3. The averments in the Counter Statement filed by the II Party/Management, Indian Overseas Bank, Chennai (hereinafter refers to as Respondent) are briefly as follows :—

The Petitioner has joined the Respondent/Bank in March, 1978 as sub-staff at Triplicane branch at his request, he was transferred to Tamil Nadu Slum Clearance Board Extension Counter as Messenger, where he reported for duty on 21-9-92. The Petitioner was very often absenting himself unauthorisedly without any intimation to the bank. He was absent for duty for 15 days in 1992, 119 days in 1993, 110 days in 1994 and 32 days in 1995. After the joining the said branch, he availed leave to his credit of 2 days in September, 1992, 11 days in October, 1992, one day each in November and December, 1992 and 19 days in January, 1993. Thereafter, the Petitioner absented himself from duty since 8-2-93 onwards. He was advised by a letter dated 8-3-93 to report for duty immediately. Even after issuance of the said letter, the Petitioner did not report for duty and remained absent till 7-5-93. As 21 days in February, 31 days in March, 30 days in April, and 7 days in May, 1993. Subsequently, he reported for duty at the said branch on 8-5-93 by producing a leave letter with medical certificate. He was allowed to rejoin duty after taking lenient view. He attended duty for 15 days and again absented himself from 28-6-93. During such absence the Respondent/Bank issued a letter dated 14-9-92 directing the Petitioner to

report for duty and he reported for duty in response to the above recall letter. Thus, the Petitioner was in the habit of availing unauthorised leave and reported for duty only if, recall letter is issued by the Respondent. After joining duty on 24-9-93 he again availed leave for 3 days in October, 1993, 8 days in November, 1993, one day in January, 1994, 9 days in February, 8 days in March, 4 days in April, 31 days in May, 30 days in June, 31 days in July, 31 days in August and 16 days in September, 1994. After the said leave, he reported for duty on 4-9-94. Again he went on leave from 19-9-94 and he remained absent from duty for 31 days in October, 30 days in November, 31 days in December, 1994 and 31 days in January, 1995. Due to his habitual unauthorised absence of the Petitioner, the Respondent was made to issue 2nd notice of voluntary retirement dated 2-1-95 advising the Petitioner to report for duty within 30 days from the date of the letter, failing which he was advised that he would be treated as voluntarily retired from services of the bank on his own accord. In spite of issuance of the above notice, no communication was received from the Petitioner expressing his intention to join duty nor had he reported for duty within the stipulated period. Under such circumstances, the Respondent had issued an order of voluntary retirement dated 20-02-95 treating that the Petitioner had voluntarily retired from the bank's services on his own accord w.e.f. 2-2-95 i.e. the date of expiry of the notice period. The terminal benefits payable to the Petitioner were also settled and forwarded to the branch where he was attached to. The averment of the Petitioner in his Claim Statement that his Mother fell ill and so he applied for leave on 19-9-94 and went to Trivendrum to see his Mother are concocted stories for the purpose of this case. The Petitioner is put to strict proof of the same. The Petitioner not only absented for the first time from September, 1994 but his habitual absence started since September 1992. The Petitioner's past record of services shows that he was in the habit of availing frequent leave without permission from the Respondent/Bank. The Petitioner did not produce any documentary evidence to prove that his Mother fell ill during September, 1994. At no point of time, the Petitioner furnished his leave address at Trivendrum for the purpose of communication by the Respondent. In the circumstances, the Respondent sent all the communications to the last known address furnished by the Petitioner. After giving opportunity to the Petitioner to report for duty, the Respondent issued the termination order dated 20-2-95 following the procedures provided under para 17 of Bipartite Settlement. The Respondent was not aware of the Petitioner's address at Trivendrum. The Petitioner has not furnished his Trivendrum address for the reasons best known to him. There is no requirement for conducting any enquiry, while passing the order of voluntary retirement by following the procedure laid down under para 17 of the Bipartite Settlement. There is no violation of principles of natural justice in following the

above provision. Section 25F of the Industrial Disputes Act, 1947 is not applicable to this case, as the Petitioner was treated to have voluntarily retired from bank services due to his long, unauthorised absence without notice to the bank. Hence, the question of payment of retrenchment compensation will not arise in this case. The Petitioner neither joined duty nor submitted any satisfactory reply within 30 days from the date of notice. Hence, on the expiry of notice i.e. 2-2-95 he was treated as voluntarily retired from the bank's service as per the procedure in para 17 of Bipartite Settlement dated 14-12-66. Altogether, the Petitioner was absent for 276 days from September, 1992 till his date of voluntary retirement on 2-2-95. In view of the above facts, the Petitioner is a habitual absentee and should not be considered for reinstatement. His non-employment is justified. It was brought about by his own actions. Hence, it is prayed that this Hon'ble Tribunal may be pleased to pass an award rejecting the claim of the Petitioner.

4. The averments in the reply statement filed by the Petitioner are briefly as follows :—

With regard to the allegation of alleged absence during the period from 1992 to 1995, the Petitioner submits that the leave letters and medical certificates submitted by the Petitioner were not rejected. To that effect, the Petitioner has not received any letter from the Respondent/Bank. Hence, the Petitioner's absence cannot be treated as unauthorised. The management was not justified in treating the Petitioner's alleged unauthorised absence as abandonment of service and terminating his services on that basis. The Petitioner in his leave application itself has mentioned his Trivendrum address. He did not keep copies of leave applications. The Petitioner availed leave only when it became necessary and never availed leave without necessity. The action of the bank in terminating the Petitioner's services by resorting to clause 17 of Bipartite Settlement is arbitrary, illegal and unjust. Unauthorised absence is a misconduct and therefore, if the Petitioner was unauthorisedly absent the management should have conducted an enquiry and passed the order of punishment. Hence, it is prayed that this Hon'ble Tribunal may allow the claim of the Petitioner as prayed for.

5. When the matter was taken up for enquiry, the Petitioner was examined himself as WW1 and 7 documents were marked on his side as Ex. W1 to W7. On the side of the management one witness has been examined as MW1 and 10 documents have been marked as Ex. M1 to M10. The learned counsel on either side have advanced their respective arguments.

6. The point for my consideration is :

"Whether the action of the management of Indian Overseas Bank in voluntarily retiring the services of Shri R. Rajasekaran with effect from 02-02-1995 is justified ? If not to what relief he is entitled ?"

Point :

It is admitted that the Petitioner was employed as a Daftary at the Triplicane branch of the Respondent/Bank and subsequently, on his request he was transferred to Tamil Nadu Slum Clearance Board Extension Counter attached to Triplicane branch of the Respondent/Bank. It is the contention of the Petitioner in his Claim Statement that in September, 1994 his Mother fell ill and so he applied for leave on 19-9-94 and went to Trivendrum to see his ailing mother and that as his presence was required there for further period to attend the needs of his Mother, he applied for extension of leave and during that time, as he also fell ill, he again applied for extension of leave, but the management had not sent any reply rejecting his request for extension of leave. It is his evidence as WW1 that he sent that letter by ordinary post. In the Claim Statement itself, he has not stated for how many days he applied for leave at the first instance from 19-9-94 and for how many days he asked for extension of leave for the first and second time respectively and how and when he sent those leave letters to the Respondent/Management. It is not his plea in the Claim Statement that while sending those letters he has furnished the bank his residential address at Trivendrum. Admittedly, he has not produced any copy of that leave letter which he alleged to have sent from Trivendrum. Only in the cross examination, WW1, the Petitioner has stated that he applied for one month extension of leave for the first time and again for another month in the next leave letter for his extension of leave. He has admitted in the cross examination that when he asked for extension of time in October last for one month, the bank management directed him to come and join duty with medical certificate. It is his further evidence in the cross examination that he went to the bank in November, 1994 in person and requested for extension for two more months leave as last spell and the bank had accepted the same, but he was not given any order in writing by the bank management that the leave he had applied for has been granted. He has admitted that he had not mentioned all these facts in his Claim Statement filed here or in his earlier 2A petition, filed before the Assistant Labour Commissioner (Central). So, from this, it is seen that the Petitioner has not proved the allegation that he was away at Trivendrum from 19-9-94 to attend his ailing Mother and could not be turned up for duty, since he also fell ill subsequently. It is also his admission in the cross examination that he says for the first time in the Court, that he gave the address of the Trivendrum to the Branch Manager two days prior to his leaving for Trivendrum. He has also admitted that he was not given any order by the bank management sanctioning the leave he applied for. He would further admit in the cross examination that he had not informed the bank management that he too fell ill in the month of February, 1995 and he had informed the same over phone and that he had not filed any medical certificate with regard to his illness in February. MW1 in his evidence has clearly stated that the Petitioner used to remain absent

unauthorisedly without submitting any leave letter to the branch and he remained absent continuously from 19-9-94 to 2-1-95 without submitting any leave letter to the bank management. It is the further evidence of MW1 that the Petitioner was very often absenting himself unauthorisedly without any intimation to the bank during 1992 to 1995 also and that the Chief Manager, Triplicane branch sent letter to the Petitioner to his residential address and the xerox copy of the same is Ex. M1. It was a recall letter sent to the Petitioner mentioning his absence for duty from 8-2-93 without any leave application and advising him to report for duty immediately. The Petitioner reported for duty on 8-5-93 and submitted a letter and the xerox copy of the same is Ex. M2. It is her evidence that the Petitioner had subsequently from 28-6-93 absented for duty unauthorisedly and so a recall letter dated 14-9-93 was sent to the Petitioner by Chief Manager of Triplicane branch directing him to report for duty immediately and the xerox copy of that letter is Ex. M3 and only after that the Petitioner had reported for duty on 24-9-93. Because of his continuous unauthorised absence the work in extension counter was suffered and the same was reported to Regional Office by letter dated 6-6-94. The xerox copy of the same is Ex. M4. So all these things spoke about the past record of the Petitioner and the evidence of MW1 along with these documentary evidence support the contention of the Respondent/Management in their Counter Statement. All these facts have not been disputed by the Petitioner and these facts are belies the version of the Petitioner in his Claim Statement that he was diligently discharging his duties to the satisfaction of every one.

7. Para 17 of Bipartite Settlement refers to voluntarily cessation of employment. According to that, if an employee remains absent for a consecutive period of 90 days or more without leave being sanctioned, the bank can send a notice calling upon him to report for work within 30 days and satisfactorily explain his absence. There is sufficient both oral and documentary evidence availing in this case that the Petitioner remained absent for consecutive period more than 90 without leave being sanctioned and a notice was sent to him by respondent/Bank calling upon him to report for work within 30 days of the date of that notice. In spite of that the Petitioner had not turned up for work and satisfactorily explained his absence. Even before this Tribunal also, he has not satisfactorily explained with acceptable evidence that he had valid reasons for his absence for duty. Since he did not report for duty within 30 days of the notice and had not given satisfactory explanation for the period of absence, he was deemed to have retired from service under clause 17 of Bipartite Settlement and he was treated as voluntarily retired from the bank's service by the bank.

8. As it is relied upon by the learned counsel for the Respondent/Management, the cases reported as 2000 (5) SCC 65 SYNDICATE BANK case and 2001 (1) LLN 758

PUNJAB & SIND BANK case, the Hon'ble Supreme Court has held that *"the action of the bank under similar provisions when the employee remained absent for 90 days and he does not within the stipulated time report for duty after the bank giving notice to him or explaining his absence during the period, the bank will be well justified in taking action under clause 17 of Bipartite Settlement."* It is also held by the Hon'ble Supreme Court that *"the safeguards provided under Bipartite Settlement is more than fair and domestic enquiry is therefore, not necessary."* So, these two decisions of Hon'ble Supreme Court squarely applicable to the facts of the present case. So, under such circumstances, conducting an enquiry before passing the final order against the Petitioner, disengaging him from the bank's service of the Respondent/Management, is not necessary. As it is held by the Hon'ble Supreme Court in the PUNJAB & SIND case *"such a termination is not a punishment for misconduct and there is no violation of principles of natural justice for no enquiry being held."*

9. In this case also, from 1994 onwards, the Petitioner remained absent unauthorisedly. So a recall letter dated 7-11-94 to his last known address was sent. Even after the receipt of that letter, the Petitioner did not report for duty. Therefore, the bank sent a notice of voluntary retirement dated 2-1-95 to the last known address of the Petitioner at T. Nagar, Chennai. The Petitioner as WW1 has admitted in his evidence that the said notice was received by his Aunt, Smt. Santha. Even after receipt of that notice, the Petitioner did not choose to report for work within 30 days or sent a reply for his absence within 30 days. Therefore, the bank passed an order dated 20-2-95 under original of Ex. M9 and has advised the Petitioner in that communication that it is apparent that he had no intention to rejoining duty and continuing in the services of the bank, since no communication has been received from him as to his rejoining duty nor had he reported for duty within the stipulated period and that it is deemed that he had voluntarily retired from bank's service on his own accord w.e.f. 2-2-1995. So, Under such circumstances, it is seen that the non-employment of the Petitioner by the Respondent/Bank is fully justified and hence the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

10. In the result, an Award is passed holding that the Petitioner/Workman Sri R. Rajasekaran is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 10th February, 2003).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

For the I Party/Workman : WW1 Sri R. Rajasekaran

For the II Party/Management : MW1 Smt. R. Mahalakshmi

Documents Exhibited :—**For the I Party/Workman :—**

Ex. No.	Date	Description
W1	5-1-95	Xerox copy of the charge sheet and additional charge sheet issued to Petitioner
W2	10-1-95	Xerox copy of the additional charge sheet
W3	20-2-95	Xerox copy of the deemed voluntary retirement Notice issued to Petitioner
W4	7-5-96	Xerox copy of the representation of Petitioner To Respondent/Management
W5	14-9-98	Xerox copy of the letter from Petitioner to Assistant Labour Commissioner (Central) raising Industrial dispute
W6	29-12-98	Xerox copy of the comments submitted by Respondent/Bank to Assistant Labour Commissioner
W7	29-1-99	Xerox copy of the failure of conciliation report

For the II Party/Management :—

Ex No.	Date	Description
M1	8-3-93	Xerox copy of the recall letter sent to Petitioner
M2	8-5-93	Xerox copy of the leave letter submitted by Petitioner
M3	14-9-93	Xerox copy of the recall letter issued to Petitioner
M4	6-6-94	Xerox copy of the letter from Triplicane branch to Regional Office regarding unauthorised absence of Petitioner
M5	13-9-94	Xerox copy of the notice of voluntary retirement issued to Petitioner by Respondent/Bank
M6	22-11-94	Xerox copy of the letter from Respondent/Bank to Petitioner
M7	Nil	Xerox copy of the postal acknowledgement for having received the registered post sent by Respondent/Bank
M8	2-1-95	Xerox copy of the notice of voluntary retirement issued to Petitioner
M9	20-2-95	Xerox copy of the letter from Respondent/Bank to Petitioner regarding deemed voluntary retirement of Petitioner from service
M10	Nil	Xerox copy of the letter from Petitioner to Respondent/Management.

नई दिल्ली, 18 फरवरी, 2003

का. आ. 922—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विशाखापत्तनम डॉक लेबर बोर्ड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 35/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2003 को प्राप्त हुआ था।

[सं. एल-34025/1/2003-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 35/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Dock Labour Board and their workman, which was received by the Central Government on 13-2-2003.

[No. L-34025/1/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT HYDERABAD

Present

Shri E. ISMAIL, Presiding Officer

Dated the 31st day of January, 2003

INDUSTRIAL DISPUTE L.C. I.D. NO. 35/2002

(Old I.D. No. 11/2001 Transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN

Alipilli Yellayya
S/o Late Ammoru.
Ex. Casual Labour. V.D.L.B.,
T.No. 6693, R/o 48-124/13, Plot No. 61,
Kasturu Nagar, Kailasapuram,
Visakhapatnam.

Petitioner

AND

The Deputy Chairman,
M/s. Visakhapatnam Dock Labour Board,
Visakhapatnam Dock Labour Board,
Visakhapatnam.

Respondent

APPEARANCES :

For the Petitioner : Sri K. Balakrishna, Advocate

For the Respondent : M/s. K. Srinivasa Murthy,
V. Umadevi & C. Vijaya Shekar
Reddy, Advocates

AWARD

This case I.D. No. 11/2001 is transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.I.D. No. 35/2002. This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts of the petition are, that the Petitioner was appointed as casual labour on compassionate grounds with effect from 7-10-1992 along with some 224 casual labour and was drawing Rs. 3,500 at the time of his disengagement on 12-10-1996 on the ground of alleged impersonation. He applied to the authority for reconsideration, but did not fructify. Thereupon, the workman challenged the order in the Hon'ble High Court in W.P. No. 24031/1996 whereupon vide orders dated 5-3-1999 it was dismissed by the Hon'ble Judge of High Court. The workman again filed a writ appeal No. 1530/1999 which was also dismissed.

3. On similar grounds when other employees approached by way of different writs, a direction was given that they have already put in 9k years of service and they may be considered. The matter was carried in writ appeal. There also, the writ appeal was dismissed. Hence, others got the same relief as the relief prayed for unfortunately he could not get, the workman may be reinstated on the same equitable and human consideration as extended in the case of others owing to the direction given by the Hon'ble single Judge of the High Court of A.P., Hyderabad in Writ Petition Nos. 22977/96, 23682/96, 23521/96, 22496/96, 22812/96, 23521/96, 22496/96, 22812/96 and 9389/97 and any other relief.

4. The Respondent filed a counter that the Hon'ble High Court of Andhra Pradesh has already decided in the Writ Petition No. 24031/96 and Writ Appeal No. 1530/99 filed by the workman and the orders were passed on merit. As such, the principles of 'res judicata' apply.

5. There is a policy in the Management Board to appoint children of the deceased, medically invalidated employees on compassionate grounds as per rules framed by the Board/Government. The said appointment being made if the Government servant died in service leaving family in the immediate need of financial assistance. So, during 1992, 225 children of the deceased/medically invalidated retired employees were appointed on casual basis on compassionate grounds. In the said recruitment, the workman was also appointed as casual worker as the son of Ammoru. Ex Mazdoor No. 681 on compassionate grounds, that some representations were received by the management that certain irregularities were committed in the said casual workers recruitment and the Chairman of

the Dock Labour Board constituted a committee consisting of Sri J. Venkata Rao, Former Deputy Chairman, Visakhapatnam Dock Labour Board, Sri N. Dhilleswar Rao the then Vigilance Officer, Visakhapatnam Port Trust and Sri P. Yerraji Rao, the then Personnel Officer, Visakhapatnam Port Trust to enquire into the genuineness of the Casual Labour recruitment made during the year 1992. Accordingly, the Committee has conducted verification into the cases and submitted a report case by case. The Committee has also conducted verification in the case of this workman and submitted a report on 13-8-1994 stating that the workman is an impersonator having interviewed the Petitioner fully. The workers approached the Hon'ble High Court of A.P. and filed writ petitions. The Hon'ble High Court of A.P. Passed interim orders to continue the Petitioner in service and finally disposed of the writ petition with a direction to the management to institute a departmental proceedings by issuing show cause notice. In the light of the Judgment of the Hon'ble High Court, a show cause notice dated 10-12-94 was issued to the workman directing to show cause as to why his engagement from work should not be stopped forthwith. A regular enquiry was conducted. Principles of natural justice were followed. Full and reasonable opportunity was given to him. The Enquiry Officer conducted enquiry fairly and after consideration of the material placed before him, he submitted his report dated 21-6-1996 wherein the charge against the workman was held to be proved. Accordingly, a show cause notice was issued on 12-7-96 to which the workman submitted his explanation on 19-7-96 denying the charges. The matter was placed before the Board on 12-10-96 and accordingly, the Petitioner was removed by the order of the Chairman dated 12-10-1996. Then, again, he filed a writ which was dismissed and again he filed a Writ Appeal which was also, again, dismissed, and various other stands are taken.

6. The Learned Counsel appearing for the Petitioner-workman did not argue on the validity of the domestic enquiry, thereby, conceded that the domestic enquiry conducted is valid. He argued under Sec. 11A.

7. The arguments of the Learned Counsel for the Petitioner, in brief, are, that when this worker and other workers were dismissed on the charges of impersonation by the report of the Committee formed, they all filed writ and the Hon'ble High Court directed in the interim orders to continue the Petitioners in service and at the final disposal of the writ, the Hon'ble High Court directed that the management should institute departmental proceedings for issuing a show cause notice. The same was done and the Petitioner was removed from service. His main grievance seems to be that after his dismissal after conducting enquiry, the Petitioner-workman carried the matter in writ petition No. 24031/1996 and the Hon'ble single Judge dismissed the writ petition. The matter was again carried in Writ Appeal No. 1530/1999 where their Lordships the Bench

comprising of the then Chief Justice of High Court of A.P., and another Hon'ble Judge dismissed the writ appeal holding as follows.

"We find no error in the findings of the fact arrived at by the Enquiry Officer and as affirmed by the Learned Single Judge that the Petitioners-Appellants impersonated and secured jobs."

His main grievance is that the workmen who were placed in similar circumstances and who were dismissed by issuing show cause notice, filed writ petitions and the said writ petitions were allowed and when the management carried the matter in writ appeal, which comprised of the then Hon'ble Chief Justice and another Hon'ble Judge. Their Lordships held as follows.

"Learned single Judge, however, on a perusal of the record found that the Writ Petitioners were appointed after a process of selection and that they are working for nearly 9 years and if they are thrown out of service at that age, it would be difficult for them to obtain employment elsewhere. On this equitable and humane consideration, learned single Judge exercised discretion and directed the Board to continue the writ Petitioners in service as fresh candidates subject to availability of existing vacancies and if such vacancies do not exist accommodate these 11 persons as per their seniority as fresh candidates by giving them preference over outsiders as and when vacancies arises in future".

So, he submits that as all the persons were similarly situated, what is the fault of the Petitioner that he should be denied the same relief which was given to other workmen situated in similar circumstances and as the Judgements giving relief are subsequent to the Writ Appeal No. 1530/99 of the workman here, this Court should follow the other Judgements in the Writ Appeals, viz., 794, 891, 892, 893, 894, 895, 1312, 1313, and 1335 of 1995. For that, he relies on a Judgement of the Bombay High Court in *Sarabhai Enterprises Ltd. Vs. V.D. Vadannar*, Presiding Officer, Third Labour Court, Nagpur and another reported in 1985 (1) SLR 374, wherein it was held that,

"Judgements of Supreme Court comprising of the same number of Judges appear to have settled on the view that latest Judgement of Bench of same strength has binding force."

This principle was also followed in *Samru Das Banjare Vs. State of Madhya Pradesh* and others reported in 1985 (2) S.L.R. 520. Therefore, the principles of Equity require, more so, Arts. 14 and 16 of the Constitution apply in this case and he also relied on a Judgement rendered by the Supreme Court in *A.P. S.R.T.C., Cuddapah Vs. K. Bajjanna* reported in 2002(1) LLN 652 wherein the principle of law propounded was that,

"as similarly placed workman had been reinstated the Respondent (Whose case is in question in that case) is also entitled to reinstatement."

And he should also be given back wages, atleast, from the date of this application, i.e., 5-2-2001.

8. It is argued by the Learned Counsel for the Respondent that all these cases cited by the Learned Counsel for the Petitioner are not applicable for the simple reason that the Petitioner has filed a writ petition. It was dismissed and then he filed a writ appeal which was also dismissed and merely because the other workers could get a relief in the writ Petition and even the writ appeals were dismissed, does not mean that this Hon'ble Court can just ignore both the Judgements of the Hon'ble High Court which were specifically moved by the Petitioner. In fact, those Judgements act as 'res judicata' and this Court is ceased of the jurisdiction to give any relief to the Petitioner. Hence, he prays that the petition may be dismissed and the Petitioner is not entitled for any relief.

9. Mr. Balakrishna has argued vehemently that the latter Judgements of the Hon'ble High Court in writ appeal No. 1530/99 wherein some reliefs were granted to the Petitioner in the writ petition be made applicable to the case of the workman. I would have certainly agreed with him that this Court would have considered wherein it is a fit case to invoke Sec. 11A if the workers in the previous writ and the subsequent writ did not include the Petitioner. The Petitioner has chosen to go in writ and the Hon'ble Single Judge who heard his writ, did not consider it fit to grant him any relief and the Hon'ble Division Bench dismissed the Writ Appeal. It is perhaps only a matter of chance that the writ petitions filed by the other workers the Hon'ble Judge of the Hon'ble High Court took some lenient view and granted some relief to those workers and the order of the Hon'ble Single Judge was confirmed in the Writ Appeals. No doubt, from all the circumstances, it is proved that the Petitioner was also similarly situated and he could not get the relief, but the others could get a relief. As stated supra, if in these Judgements the Petitioner was not a party to the first set of writ and writ appeal and if some other workers were there in both the writ and writ appeal, then, in all fairness, the latter judgements in the writ and writ appeal, would have been followed to consider whether it is a fit case to invoke Sec. 11A. But, herein this case, it is the Petitioner who has moved the Court in the first instance by way of a writ. Having lost, he preferred a writ appeal which was also dismissed. Now, he cannot turn round and say that because others got relief, this Court can give the same relief which was given in other batch of Writ Petitioners and confirmed by the Hon'ble Division Bench in the writ appeal. This is not permissible as the Judgement in the writ and writ appeal was on the enquiry, facts, punishment all those aspects were considered. Once having invoked the jurisdiction of the Hon'ble High Court and got findings on all aspects which was confirmed by

the Hon'ble Division Bench of the High Court, I cannot be called upon to give relief to the Petitioner under Sec. 11A merely because some other similarly situated employees got relief in writs filed thereafter and the writ appeals filed by the management were dismissed. Therefore, I hold that as the finding of the Hon'ble High Court in writ and writ appeal acts as 'res judicata' and even otherwise, in view of the two concurrent findings of the Hon'ble High Court, this Court cannot exercise its powers under Sec. 11A. Hence, as Award is passed holding that the Petitioner is not entitled for any relief and an award is passed accordingly. Transmit.

Dictated to Steno, transcribed by Steno, Pronounced by me in the Open Court on this the 31st day of January, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
--	--

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 18 फरवरी, 2003

का. आ. 923.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 178/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2003 को प्राप्त हुआ था।

[सं. एल-34011/1/2000-आई.आर.(एम)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 923.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 178/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 13-2-2003.

[No. L-34011/1/2000-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present

Shri E. ISMAIL

Presiding Officer

Dated the 10th December, 2002

INDUSTRIAL DISPUTE NO. 178/2002

(Old I.D. No. 23/2000 Transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

The General Secretary,
A National Port Trust Employees Union,
Visakhapatnam.Petitioner

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam.Respondent

Appearances :

For the Petitioner : M/s. K. Srinivasa Murthy,
B. Uma Devi, C. Vijayashekar
Reddy and G. Praveen,
Advocates

For the Respondent : M/s. P. Parthasardhy and
P. Muraligopal, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-34011/1/2000/IR(M) dated 31-5-2000 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Visakhapatnam Port Trust and their workman. In view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 this case has been transferred to this Tribunal bearing No. 23/2000. The reference is.

SCHEDULE

"Whether the demand of the National Port Trust Employees Union, Visakhapatnam for getting subsidy on food items for their workmen from the management of Visakhapatnam Port Trust is legal and justified? If not, what relief the concerned Union is entitled?"

The reference is numbered in this Tribunal as I.D. No. 178/2002 and notices issued to the parties.

2. In spite of several adjournments given from 16-5-2002 for evidence of the Petitioner for four adjournments including 10-12-2002 the petitioner has not

turned-out. The petitioner has failed to produce any evidence in support of his claim. There is nothing on record to support his case. Therefore, the reference is ordered against the petitioner and it is held that the petitioner is not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 10th day of December, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 18 फरवरी, 2003

का. आ. 924.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिंडिकेट बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 34/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-03 को प्राप्त हुआ था।

[सं. एल-12012/112/99-आई.आर.(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 924.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 34/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 13-2-03.

[No. L-12012/112/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT HYDERABAD

Present

Shri E. ISMAIL, Presiding Officer

Dated the 10th day of January, 2003

INDUSTRIAL DISPUTE NO. 34/2002

(Old I.D. No. 60/99 transferred from Industrial Tribunal-I,
Hyderabad)

BETWEEN:

Sri Nandlal Sohni,
C/o Sri B. Kishan Lal, 16-7-467,
Azampura, Harilal Bagh,
Hyderabad-24.

Petitioner

AND

The Dy. General Manager,
Syndicate Bank,
Zonal Office, Pioneer House,
6-3-653, Somajiguda,
Hyderabad-500095.

Respondent

Appearances :

For the Petitioner : M/s A.K. Jayaprakash Rao,
R.V. Ravindra Kumar,
Ch. Indrasena Reddy, K.
Srinivas Rao, Smt. P. Sudha &
G. Jagan Mohan Reddy,
Advocates

For the Respondent : M/s A. Krishnam Raju, B. K. Raju
and G. Dinesh Kumar,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/112/99-IR(B-II) dated 26-9-99 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-I, Hyderabad between the management of Syndicate Bank and their workman. In view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 this case has been transferred to this Tribunal bearing No. I.D. 60/99. The reference is,

SCHEDULE

"Whether the action of the management of Zonal Office, Syndicate Bank, Hyderabad in terminating the services of Sh. Nandlal Shoni, Ex-Special Assistant is legal and justified? If not, what relief the workman concerned is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 34/2002 and notices issued to the parties.

2. I.A. No. 18/2002 allowed in ID No. 34/2002 holding that order in Writ Petition No. 520/1990 and Writ Appeal No. 1138/2000 operates as Res judicata. Hence, this Tribunal cannot adjudicate the reference. Hence, a 'Nil' Award is passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 10th day of January, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 18 फरवरी, 2003

का. आ. 925.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आन्ध्रा बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 251/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2003 को प्राप्त हुआ था।

[सं. एल-12025/1/2003-आई.आर.(बी. II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 925.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 251/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Andhra Bank and their workman, which was received by the Central Government on 13-2-2003.

[No. L-12025/1/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT
HYDERABAD

PRESENT:

Shri E. Ismail, Presiding Officer

Dated, the 20th day of January, 2003

INDUSTRIAL DISPUTE L. C. I. D. No. 251/2001

BETWEEN:

Sri P. Ashok Reddi,
S/o Sanjeeva Reddy,
R/o 1-9-292, Postal Colony,
Hanamkonda,
Warangal District.

... Petitioner

AND

The Chairman, &
Managing Director,
Andhra Bank,
Dr. Pattabhi Bhavan,
Saifabad, Hyderabad.

... Respondent

APPEARANCES:

For the Petitioner

: M/s. G. Vidayasagar,
K. Udayasree & P. Sudheer
Rao, Advocates

For the Respondent

: M/s S. Udayachala Rao,
K. Jagdeeshkumar Rao, S.
Lavanya Laxmi, S.
Vikramadityudu & S.
Mujib Kumar, Advocates

AWARD

This is a case taken under Sec. 2A(2) of the I. D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others. The I. D. was numbered in this Tribunal as L. C. I. D. No. 251/2001 and notices were issued to parties.

2. The brief facts as stated in the petition are : That the Petitioner joined the services of the bank as clerk on 12-11-1983. He was posted to Kadiam, East Godavari District and subsequently he came on transfer to Hanamkonda. That the Petitioner's father availed a crop loan during August, 1990. He could not repay the same due to severe draught conditions and could not harvest the crop due to Naxals problems. The crop loan was also paid on 23-6-99 amounting to Rs. 21,529.50. That as per the scheme available with the bank the crop loans are covered by the, "Deposit Insurance Credit Guarantee Corporation". As per the guidelines whenever the loans granted to the priority sector and when the outstanding balance is less than Rs. 25,000/- they are liable to be written off. It is the responsibility of the Branch Manager or Rural Development Officer to prepare the statement. The R.D.O. has prepared the list of non-performing accounts below Rs. 25,000/- which are eligible for write off. Subsequently the Petitioner was asked to complete the same as per the proforma prepared. As per the instructions the list comprising of 57 was prepared and the same was forwarded to the Zonal Office by the Branch Manager vide Letter No. 206/23/830 dated 22-11-1997. As per the procedure the Petitioner was asked to fill up the format to write off non-performing accounts. Accordingly he filled up the forms in accordance with the statement already submitted for writing for the loans vide letter dated 22-11-97. The write off form was certified by the R.D.O., Sri P. Sridhar and the Branch Manager, Sri G. Sudarshan Rao. While the matter stood thus and an unanimous complaint was made against the Petitioner and the following three charges were levelled

against him : (1) the Petitioner claimed an amount of Rs. 17,390/- towards medical expenses (By pass surgery) incurred in connection with the hospitalization scheme to his father and an amount of Rs. 77,000/- was reimbursed. (2) that father of the Petitioner was sanctioned a crop loan Rs. 15,000/- on 6-11-90 for the purpose of write off the liability of Rs. 21,529.55 he misrepresented that his father is deceased. (3) the Petitioner has submitted as application for LFC on 24-10-97 and included his parents and even his father was drawing a pension of Rs. 3000/- per month. As per the existing settlement the employee could not claim his parents as dependents if the monthly income is Rs. 1500. The Petitioner gave a detailed explanation dated 15-10-99 bringing it to the notice of the authorities that the Petitioner's father is dependent on him as per the guidelines issued by the Income Tax Department that freedom fighter's pension is not an income and is not a DOIE. The allegation in charge number two there also denied. That the Enquiry Officer was also held that charges 1 and 3 are not proved only charge number 2 is proved by stating that his father is deceased. Enquiry is not properly conducted. That discharge joints the responsibility of the Branch Manager and concerned officer in forwarding the recommendation. He cannot be held responsible for that. The Petitioner is only made the scape goat. There is no evidence to establish that the Petitioner is malafidely acted including the name of his father in the non-performing accounts. Hence the order dated 12-3-2001 has confirmed by the Appellate Authority on 9-7-2001 that the Petitioner be compulsorily retired may be set aside and the Respondent may be directed to reinstate him into service with continuity of service with full back wages and all other attendant benefits.

3. A counter was filed. That while the Petitioner was working as clerk cum Telex operator at Hanamkonda branch of the bank during March, 1997 has claimed an amount of Rs. 1,09,390 and another sum of Rs. 10,500 towards reimbursement of medical expenses incurred for his father Sri P. Sanjeeva Reddy under hospitalization scheme and Rs. 70,000 and Rs. 7,000 were reimbursed. The Petitioner's father is a holder of Central Political Pension Payment Order and he is drawing more than Rs. 3,000 per month from January, 1998 and so he cannot be considered as dependent on him under the provisions of bipartite settlement for the purpose of hospitalization scheme.

4. He represented that his father Mr. Sanjeeva Reddy died by writing off the loan. When his father was very much alive and even now he is alive. On the other hand he claimed medical reimbursement for his father. He also included him as dependent when he is not as his father's income is Rs. 3,000 per month. Proper enquiry was held and the Petitioner was not entitled for any relief.

5. Arguments were heard on the validity of domestic enquiry and this Court by its detailed order dated 28-10-2002 held that the domestic enquiry is validly conducted.

6. The only question now remains is whether this Court can exercise its powers under Sec. 11A and give some relief to the Petitioner. It is argued by the Learned Counsel for the Petitioner that practically only one charge is said to be proved that is the Petitioner's claim that his father had died was wrong. Even otherwise his crop loan would have been written off and in fact the said crop loan had been written off. Yet, the same was paid. The question of income does not arise because as per the Income Tax Act and the Enquiry Officer has correctly stated that it has not been established that freedom fighter's pension is an income and only thing that have been written that his father was mentioned as deceased in his own handwriting yet he has paid the crop loan no loss is incurred to the bank. Hence, the quantum of punishment is much more than required and this Tribunal has got ample powers to interfere with the punishment given.

7. He submits that he has also filed certain documents and the same were not marked. I am marking it now and I have marked Ex. M1 to Ex. M12. I am marking the Petitioner's documents also. Ex. W1 is dated 20-9-95 application for LTC/LFC. Ex. W2 is also an application for LTC/LFC dated 1-10-93. Number of LFCs are there which are not relevant. Ex. W3 is the letter showing that the crop loan of Rs. 21,525.55 was paid on 23-6-99 by Mr. Sanjeeva Reddy, father of the Petitioner. Ex. W4 are the guidelines for writing off the crop loans. The others are hospital expenses for which we did not mark because that is not true as the only thing that is proved is the Petitioner stating that his father was deceased for writing off of the crop loan. He also marked Ex. W5 the appellate order by the Deputy Commissioner of Income Tax in the case of one Mr. Sravan Kumar where it was held that the freedom fighters pension received by the appellant is not chargeable to Income Tax. Ex. W6 is the order granting pension. So he submits that the simple act of lying does not warrant such a harsh punishment and this Tribunal may be pleased to invoke inherent powers under Sec. 11A.

8. It is argued by the Learned Counsel for the Respondent that the charge which is said to have been proved by the Enquiry Officer reads as thus, "You have in your own handwriting prepared the format for write off of NPA account under the category of below Rs. 25,000 NPAs (Priority Sector) seeking permission from Zonal Office, Warangal to write off the crop loan of Mr. P. Sanjeeva Reddy who is your father while mentioning that the borrower namely your father is deceased." MW1 is Mr. G. Sudharshana Rao, Manager who was examined. Wherein he has clearly stated that the borrower is deceased. No doubt, MW1 said that it is the responsibility of the officer to verify whether the particulars filled in are correct. That the filling up of the forms would be done on the oral instructions of Manager. So he submits that the Petitioner was filling the form of his own father and calling him deceased for the purpose to write off the loan and again

calling him alive for claiming hospitalization charges irrespective of the fact that whether he is entitled for as dependent, speaks volumes about the character of the Petitioner. Hence, the Hon'ble Court may not invoke Sec. 11A in favour of such a person.

9. It may be seen that the Learned Counsel for the Petitioner had argued that basis for charge sheet is an unanimous complaint against the chargesheeted employee. That actually the Petitioner was only asked to fill up the columns and all the 57 applications of NPAs eligible to write off were given all the notings and remarks in the captioned write off proposal (application) were written by Mr. P. Ashok Reddy with his own handwriting only. He might have knowingly or by mistake recorded that the borrower is deceased and co-applicant is not traceable. The Petitioner only has countersigned the back of 57 proposals meant for write off. That although the borrower is not deceased yet, the amount can be written off and there is no procedure to write off the accounts of all the deceased borrowers. The account has specified the write off condition. The loan was not sanctioned because the borrower is the father of the chargesheeted employee and several other arguments were advanced. Now one thing the Petitioner could not bring forth or could not deny is that that is in his handwriting was written twice, 'borrower deceased' and the surety cannot be traceable. Then he has the audacity to apply for medical reimbursement. He has claimed medical expenses which were reimbursed on 7-4-98 and 9-4-98 that is Rs. 70,000 and Rs. 7,000. Whereas his application for writing off the loan filled up by him is dated 6-1-98 and he has submitted for reimbursement of his father's illness on 21-3-98. I am surprised that he claims his father to be dead on 6-1-98 and again makes him alive and claims the amount on 21-3-98. In fact hardly 2½ months thereafter. I do not know why he repaid the amount of medical reimbursement to the bank because nothing is brought before me that the pension paid to his father which is not taxable under the Income Tax Act can be taken as Income at all because it is freedom fighter's pension. In fact, the bank does not give perhaps there may be some G. O. authorizing payment of medical bills to the freedom fighter's who are drawing freedom fighter's pension. I am not on that point. The only point is his has filled it with his own hands about his father and calls him deceased, not once but twice. Once under the column whether borrower is traceable he writes deceased. Then justification for writing off he writes borrower deceased. No doubt there are several instances right from the history of mankind. Especially among the kings and Rajas and rich and very poor persons where if the father lives for ripe old age the son wishes him dead. That itself speaks volumes about the evil nature of man I hasten to add not in every case, but in some cases. Here the Petitioner's father is a freedom fighter who according to the evidence has given up a government job for the nation. Yet his son shows him as deceased for a

paltry sum of Rs. 21,525 and odd and again when it comes to claiming the medical expenses without any bat of eye he again makes him alive within two months. The Enquiry Officer also has found fault only on this charge. No doubt the bank is not put to any loss not only the crop loan has been paid but the entire medical reimbursement has been paid. That may be so. But can it be gain said that a person but to gain a small pecuniary advantage writes in his own handwriting twice that his father is deceased would not stoop to anything when the matter of money comes. I have given serious thoughts more so keeping in view his father who is a freedom fighter and who must have been shocked by this incident and thought whether any other punishment can be substantiated for the punishment of compulsory retirement. On serious consideration I find that perhaps the same thing was lingering in the mind of the bank authorities or appellate authority also, when the order of compulsory retirement was given instead of dismissal. Hence, I do not think it justifiable to interfere with the orders passed by the bank and invoke the provisions of Sec. 11A of the I.D. Act. Hence, I hold that the Petitioner is not entitled to any relief and award is passed accordingly.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 20th day of January, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

Ex. W1 :	Copy of application for LTC/LFC of Petitioner dt. 20-9-95
Ex. W2 :	Copy of application for LTC/FFC of Petitioner dt. 1-10-93
Ex. W3 :	Copy of Lr. issuing payment of crop loan to the Petitioner's father dt. 26-3-97
Ex. W4 :	Copy of guidelines for writing of crop loans Lr. No. 239/45/7809/18880 dt. 15-12-97
Ex. W5 :	Copy of Appellate Order dt. 26-3-98
Ex. W6 :	Copy of order granting pension to the Petitioner's father

Documents marked for the Respondent

Ex. M1 :	Copy of charge sheet dt. 17-9-99
Ex. M2 :	Copy of Lr. No. 239/20/V/159/2699 dt. 10-11-99

- Ex. M3 : Copy of explanation of the Petitioner to Ex. M1 dt 15-10-99
- Ex. M4 : Enquiry proceedings
- Ex. M5 : Copy of Enquiry report dt 28.8.2000
- Ex. M6 : Copy of submission of the Petitioner on Ex. M5 dt. 6-10-2000
- Ex. M7 : Copy of order No. 239/20/V/159/1951 dt. 17-1-2001
- Ex. M8 : Copy of Petitioner's representation dt. 20-2-2001
- Ex. M9 : Copy of minutes of personal hearing dt. 22-2-2001
- Ex. M10 : Copy of Lr. No. 239/20/V/159 dt. 12-3-2001
- Ex. M11 : Copy of Petitioner's appeal dt. 27-4-2001
- Ex. M12 : Copy of orders of appellate authority Lr; No. 666/20/V/P-289/339 dt. 9-7-2001

नई दिल्ली, 18 फरवरी, 2003

का. आ. 926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कॉरपोरेशन बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 214/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2003 को प्राप्त हुआ था।

[सं. एल-12025/1/2003-आई.आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 926.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 214/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Corporation Bank and their workman, which was received by the Central Government on 13-2-03.

[No. L-12025/1/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT
HYDERABAD

PRESENT:

SHRI E. ISMAIL : Presiding Officer

Dated. the 21st January, 2003

INDUSTRIAL DISPUTE L. C. I. D. NO. 214/2002

(Old I. D. No. 198/99 transferred from Labour Court-II, Hyderabad)

BETWEEN:

Sri Adepu Ratnaiah,
M. 1142 Peon,
Toopran Branch of Corporation Bank,
Toopran, Toopran Mandal,
Medak District. ...Petitioner

AND

1. The Assistant General Manager and Appellate Authority, Corporation Bank, A Government of India Undertaking, Mangaladevi Temple Road, Mangalore, Karnataka State.
2. The Chief Manager, Disciplinary Authority, Corporation Bank, a Government of India Undertaking, Mangaladevi Temple Road, Mangalore, Karnataka State.
3. The Manager, Corporation Bank, Toopran, Medak District-502334. ... Respondents

APPEARANCE:

- For the Petitioner : M/s. K. Raghava Rao,
A. Srinivas & N. E. Mahinder, Advocates.
- For the Respondent : Sri K. Srinivasa Murthy,
Advocate.

AWARD

This case I. D. No. 198/99 is transferred from Labour Court-II, Hyderabad in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.I.D. No. 214/2002. This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. In spite of several adjournments given from 28-11-2002 for enquiry of the Petitioner for four adjournments including 21-1-2003 the petitioner has not turned-out. In spite of number of adjournments the petitioner has failed to produce any evidence in support of his claim. There is nothing on record to substantiate the case of the Petitioner. Therefore, it is held that the petitioner is not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 21st day of January, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
---------------------------------------	---------------------------------------

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 18 फरवरी, 2003

का. आ. 927.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स सेसा गोवा लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/190/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-2-2003 को प्राप्त हुआ था।

[सं. एल-36012/1/99-आई.आर.(एम)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 18th February, 2003

S.O. 927.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/190 of 1999) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of M/s. Sesa Goa Ltd. and their workman, which was received by the Central Government on 11-2-2003.

[No. L-36012/1/99-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT:

SHRI S. N. SAUNDANKAR, Presiding Officer

REFERENCE NO. CGIT 2/190 of 1999.

EMPLOYERS IN RELATION
TO THE MANAGEMENT OF

M/s. SESA GOA Ltd.,

M/s. Sesa Goa Ltd.,
The Managing Director,
Sesa Ghor, Panjim,
Goa-403001

AND

Their Workmen

Shri Ulhas M. Kalshaokar,
H. No. 157, Chinchalwade,
Navelim, Salcete,
P. O. Margao,
Goa-403803.

APPEARANCES:

For the Employer	: Mr. P. J. Kamat, Advocate.
For the Workmen	: In Person.
CAMP	: Goa

Dated the 8th January, 2003.

AWARD—PART-I

The Government of India Ministry of Labour by its Order No. L-36012/1/99/IR(M) dated 10/9/1999 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. Sesa Goa Ltd., Goa in terminating the service of Shri Ulhas M. Kalshaokar, Clerk w.e.f. 18-8-97 is legal and justified? If not to what relief the workman is entitled for?"

2. Shri Ulhas M. Kalshaokar was in the employment of management M/s. Sesa Goa as Clerk in processing Plant Codli since 1982. By Statement of Claim (Exhibit-7) workman contended that while on duty at mechanical/electronic weighbridge he was issued chargesheet dated 16-1-96 and 5-2-96 alleging misconduct against him regarding issue of bogus slips pertaining to certain trips performed by trucks and that he was suspended under the provisions of the standing orders of the company. He replied that chargesheet on 20-2-96 denying the allegations in toto. Workman averred that inquiry was held by Mr. Lotlikar from 7-3-96 and that report was prepared on 24-8-96. He pleaded that inquiry was held violating the Principles of Natural Justice i.e. he was not explained the procedure of inquiry and the charges, he did not understand the charges as he was not conversant with the complicated procedure of inquiry, Inquiry Officer did not give sufficient time to Defence Representative though time given to management witnesses to reply the question and thereby the inquiry officer favoured the management. It is averred by the workman that the inquiry officer without considering the evidence to favour the

management conducted the inquiry and prepared the report which is perverse consequently vitiated the inquiry. It is contended that the management wrongly accepting the inquiry report terminated him from the service for which he had approached the ALC(C) Goa however conciliation failed. It is averred for the above reasons the inquiry be set aside and the management be directed to reinstate him with full back wages.

3. Management resisted the claim of workman by filing Written Statement (Exhibit-8) contending that the workman was initially employed on temporary basis as a 'trip counter' from 16-4-1980 and thereafter he was confirmed on regular basis from 1982 and that he was promoted as clerk from 1-1-94. It is pleaded the workman is a clerk at the mechanical weighbridge/electronic weighbridge had to weigh the loaded truck and write a transit slip and maintain the records to that effect, as the company was involved in extraction of iron ore and its exports. For transportation of the ore, the company engages trucks on hire from different parties and the hire charges are paid as per the trips made and tons of ore transported. For that it is contended a transit slip in triplicate is to be made by the plant persons and two copies thereof are to be issued to the truck driver first who in turn hands over the triplicate copy to the weighbridge clerk and weighment of the truck the clerk at the weighbridge issues a weighbridge slip to the driver of the truck with all the particulars as to the weight, time of loading, date, place of unloading, quality etc. entering the said slip. It is pleaded the workman while on duty in the month of October and November '95 on various dates issued bogus WBSs to hired trucks without making the trips, issued unauthorised and inconsistent slips without entering the time prejudicial to the interest of the company, thereby committed dishonesty negligence i.e. serious misconduct under the Certified Standing Orders, therefore he was suspended and chargesheets were issued to him on 16-1-96 and 5-2-96. It is pleaded that the inquiry officer giving sufficient opportunity to the workman and his Defence Representative Mr. Ganesh Gaonkar, on the basis of evidence and the documents, vide report dated 7-11-96 held workman guilty which findings were conveyed to the workman and his say was sought and considering that the management issued him notices and thereafter he was terminated from 18-8-97 complying the provisions of Section 25F of the Industrial Disputes Act. Consequently it is contended inquiry being proper and the findings not perverse, workman's claim being devoid of substance, deserves to be dismissed.

4. By Rejoinder (Exhibit-13) workman reiterated the recitals in the Statement of Claim denying the averments in the Written Statement.

5. On the basis of the pleading my Learned Predecessor framed issued (Exhibit-15) and in the context of preliminary issues workman filed affidavit in lieu of Examination-in-Chief (Exhibit-22) and closed oral evidence

vide purshis (Exhibit-32) and that inquiry officer Lotlikar in rebuttal filed affidavit in lieu of Examination-in-Chief (Exhibit-36) and the management closed oral evidence vide purshis. (Ex-38).

6. Management filed written submissions (Exhibit-40). On hearing the workman in person and the Learned Counsel for the management I record my findings on the following preliminary issues for the reasons stated below:

Issues	Findings
1. Whether the domestic inquiry which was conducted against the workman was against the Principles of Natural Justice ?	Domestic inquiry held against the workman was as per the Principles of Natural Justice.
2. Whether the findings of the inquiry officer are perverse and not based on the evidence before him ?	Findings are based on the evidence and not perverse.

REASONS:

7. Admittedly workman Ulhas Kalshaokar was working as a clerk in the company at the mechanical weighbridge/Electronic weighbridge and that domestic inquiry was conducted against him. According to workman inquiry was against the Principles of Natural Justice and therefore vitiates. He stated that he was ignorant on the complicated procedure of domestic inquiry and that his Defence Representative was not at all conversant with the technicalities of cross-examination and thereby prejudice caused to him and added that the management representative was dictating the inquiry officer and thereby the procedure was not followed properly by the inquiry officer and that the inquiry officer was favouring the management and that he was biased, therefore the inquiry as a whole is violative of Principles of Natural Justice. Inquiry Officer Mr. Lotlikar however denied the same by his affidavit (Exhibit-36) pointing that giving sufficient opportunity to both the sides a proper inquiry was conducted and that he had no reason to be biased.

8. Inquiry proceedings is filed on record with list (Exhibit-10). Workman admits that his Defence Representative was Mr. Ganesh Gaonkar, Office Bearer of the union who cross-examined the witnesses of management and further pointed out that he examined himself and that management representative cross-examined him and that inquiry officer recorded the same. He admits that he was given copies of all the proceedings and the documents filed by management and that he and his Defence Representative signed the proceedings of the inquiry. Admittedly workman replied both the chargesheets on 20-2-96. Inquiry proceedings which workman admittedly

signed filed on record (Exhibit-10) clearly indicate that workman understood the charges. Had workman not understood the charges as averred and disclosed he would have apprised to that effect in the reply, however that is wanting. So far the procedure is concerned, Mr. Gaonkar is the office bearer of the union who is said to have represented the inquiries of employees viz. Fernandes, Gavas, Swaroop, therefore can safely be said to be well conversant with the domestic inquiries. Had he faced any difficulty and the inquiry found complicated, he would have pointed out to the inquiry officer, however that is lacking. According to workman himself as seen from his pleadings giving sufficient time i.e. during 7-3-96 to 24-8-96 inquiry was conducted. It is not that hurry was made in the inquiry. Admittedly inquiry proceedings were recorded and signed by the workman and his Defence Representative. There is no tailer made procedure for the inquiry. I have gone through the inquiry proceedings filed with list (Exhibits-9 & 10). In this context reliance can be had to the decision in *Sur Enamel and Stamping Works Limited V/s. Their Workman 1963 II LLJ. Pg. 367* wherein Their Lordships of Supreme Court pointed out that the inquiry cannot be said to have been properly held unless :

- (1) the employee proceeded against has been informed clearly of the charges levelled against him,
- (2) the witnesses are examined ordinarily in the presence of the employee in respect of the charges,
- (3) the employee is given a fair opportunity to cross-examine witnesses,
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and
- (5) the inquiry officer records his findings with reasons of the same in his report.

9. It is the contention of workman that date of inquiry 3-5-96 was adjourned to 8-5-96 on the request of management. However inquiry proceedings indicate that the inquiry was held on 3-5-96. Inquiry proceedings shows in the chargesheet dated 5-2-96 (pg. 67/Ex-10) Slip No. 032061 was mentioned as 320621. According to the inquiry officer Mr. Lotlikar that Slip No. was wrongly mentioned in the chargesheet. This however does not change the nature of the allegation though slightly number changes. Mr. Lotlikar was admittedly then working as Personnel Manager. Nothing in the standing orders preventing the appointment of Personnel Manager as Inquiry Officer. At this juncture it is the contention of workman that appointment of Personnel Manager as inquiry officer cause prejudice to workman inasmuch as he always favour the management. I find no substance in this contention on going through the record as a whole. According to workman Principles of Natural Justice have

been violated. Rules of Natural Justice are not embodied rules. The question whether in a given case the Principles of Natural Justice have been violated or not, is to be found out on consideration as to whether the procedure adopted by the appropriate authority is in accordance with the law or not and further whether the delinquent knew what charges he was going to face. In short, what is required to be seen whether the workman knew the nature of accusation, whether he was given an opportunity to state his case and whether the authority had acted in good faith. Reliance can be had to *State Bank of Patiala V/s. S. K. Sharma* reported in 1996 II CLR page 29. If looked the inquiry proceedings in the light of the evidence on record and the tests in case of *Sur Enamel* I find inquiry was proper.

10. So far findings according to workman are perverse, is concerned, 'Perversity' is that when the findings are such which no reasonable person would have arrived at on the basis of material before him as pointed out by the Apex Court in *Central Bank of India V/s. Prakash Chand Jain* reported in 1969 II LLJ 877. On perusal the inquiry report filed with list (Exhibit-9) it is clearly seen Inquiry Officer recorded the findings, analysing the record as a whole and it is not that findings are without reasoning and against the record. In this view of the matter enquiry being as per the Principles of Natural Justice and the findings not perverse, cannot be set aside, consequently issues are answered to that effect, and hence the order :—

ORDER

The domestic inquiry conducted against the workman was as per the Principles of Natural Justice and the findings of the Inquiry Officer are not perverse.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 19 फरवरी, 2003

का. आ. 928.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडियन बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 677/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2003 को प्राप्त हुआ था।

[सं. एल-12011/66/98-आई.आर.(बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 19th February, 2003

S.O. 928.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 677/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which

was received by the Central Government on 19-2-2003.

[No. L-12011/66/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Friday, the 10th January, 2003

PRESENT:

Shri K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE L NO. 677/2001

(Tamil Nadu Principal Labour Court CGID No. 314/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workmen and the Management of Indian Bank, Chennai.]

BETWEEN:

The General Secretary,
Indian Bank Employees
Union, Chennai. : I Party/Claimant

AND

The General Manager,
Indian Bank, Chennai. : II Party/Management

APPEARANCE:

For the Claimant : Mr. K. J. Arunachalam,
Authorised Representative.

For the Management : M/s. Aiyar & Dolia,
R. Arumugam and N.
Krishnakumar, Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-12011/66/98/IR(B-II) dated 17-05-99/25-05-99.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, Chennai, where the same was taken on file as CGID No. 314/99. When the matter was pending enquiry in that Principal Labour Court, the Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Tamil Nadu Principal Labour Court, this case has been taken on file as I. D. No. 677/2001 and notices were sent to the authorised representative for the I Party/Claimant and counsel on record for the II Party/Management, informing them about the transfer of this case to this Tribunal, with a direction to appear before

this Tribunal on 24-10-2001 with their respective parties and to prosecute this case further. Accordingly, the authorised representative for the I Party/Claimant and learned counsel for II Party/Management along with their respective parties have appeared and prosecuted this case further. The Claim Statement of the I Party/Claimant was filed earlier before the Tamil Nadu Principal Labour Court, Chennai, when the matter was pending there for adjudication and the Counter Statement of the II Party/Management and rejoinder of I Party/Claimant were filed before this Tribunal after the case has been transferred from the Principal Labour Court to this Tribunal for adjudication.

Upon perusing the Claim Statement, Counter Statement, rejoinder of the I Party/Claimant, the other material papers on record, after hearing the arguments advanced by the authorised representative for the I Party/Claimant Union and the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the management of Indian Bank is justified in denying the employees, the graduation increments who have passed the post-graduation degree directly and if not, to what relief the workmen are entitled?”

2. The averments in the Claim Statement of the I Party/Claimant Indian Bank Employees Union, Chennai (hereinafter refers to as Petitioner) are briefly as follows:—

As per clause 10 of the Bipartite Settlement dated 19-10-66 entered into by and between the workmen unions represented by AIBEA and IBA the representative body of the bank management governing the service conditions the clerical cadre employees are eligible to draw two increments in advance in their scale wages for acquiring graduation qualification. The settlement also covers the employees who are also having post graduation qualification. The said provision has been in vogue since the Sastri Award in 1954 and continued to be followed in the subsequent Bipartite Settlements. The justification for the grant of such increment was that the bank could obtain better and more efficient service from such qualified persons. Subsequently, there was a similar award known as Desai Award in 1962 and the granting of two additional increments for graduates were sustained. Pursuant to the Award, there was a Bipartite Settlement between AIBEA on the one side and IBA to which the Respondent/Bank is a member and represented the other. There are seven Bipartite Settlements governing the service conditions of the bank employees in the industry. There were four such settlements upto 1983 and all of them contained the

benefits. Accordingly, those employees who graduated prior to joining the bank or acquire the qualification subsequent to joining the bank or sub-staff members who are promoted to clerical cadre on acquiring such qualification were granted two additional increments in their scale wages for graduation. In Clause 10 of the Bipartite Settlement which was entered into in 1989 the graduation increments as contemplated in earlier settlements was given up and was substituted by graduation allowance. However, by a memorandum of settlement dated 29-6-90 between IBA representing 54 A class bank including Indian Bank and AIBEA representing workmen the said clause 10 of the Bipartite Settlement of 1989 was deleted and it was provided that on or after 1-7-90 employees who are in receipt of graduation allowance in terms of clause 10 shall be granted two additional increments in lieu of allowance without affecting their future date of annual increments. It was further provided that graduate employees recruited or promoted to clerical cadre or non-graduates who acquire such qualification on or after 1-7-90 shall be granted two additional increments as per the provisions existing prior to 5th Bipartite Settlement. On and from 1-7-90 clause 10 of 5th Bipartite Settlement shall stand deleted and employees who are in receipt of graduation allowance in terms of this clause shall be granted two additional increments in lieu of allowance without affecting their future dates of annual increment. Graduate employees recruited or promoted to clerical cadre or non-graduates who acquire such qualification on or after 1-7-90 shall also be granted 2 additional increments as per the provision existing prior to 5th Bipartite Settlement. The memorandum of settlement dated 29-6-90 brought in the situation prior to the settlement so far as the graduation increments are concerned and the same is still in operation and is binding between the parties. Some of the employees of the Respondent/Bank have joined as clerical cadre staff or sub-staff and pursued their studies through either correspondence or otherwise through a recognised University and acquired graduation or direct post-graduation. Most of the Universities in the country have recognised direct post-graduation and have accorded their recognition to such courses. Certain members of Union belonging to sub-staff cadre have post-graduated themselves from recognised University and were awarded their due promotion to clerical cadre as per promotion policy subsisting in the bank, but to the astonishment of the Petitioner, such employees were denied of two additional increments due for such graduation as provided for in clause 10 of Bipartite Settlement. The action of the Respondent/Bank in denying the legitimate and rightful claim of additional increments is unjust, unfair and against the Articles 14 and 16 of Constitution. In these days of various conceptual change in curriculum of education, various Universities have introduced direct post graduation courses and even non-graduates were allowed to pursue their study and acquire post-graduate degree. This has been well recognised and they were awarded the due recognition by

the Universities and Govt. and the benefits available to the graduates through colleges are also extended to them. Thirteen employees listed in the Claim Statement who have acquired direct post-graduation but denied of their due increments by the Respondent/Bank management. For these reasons, it is prayed that this Hon'ble Court may be pleased to pass an award holding that the action of the Respondent/Bank in not according two additional increments to those employees who have directly post graduated as not justified and to direct the Respondent/Bank to make payment of additional two increments to those employees who have directly post-graduated and denied of such increments from the date of the claim with all other attendant benefits and also to award the costs.

3. The averments in the Counter Statement filed by the II Party/Management, Indian Bank, Chennai, (hereinafter refers to as Respondent) are briefly as follows :—

The service conditions and other relative terms of service applicable to workmen/staff in the nationalised banks are governed by Bipartite Settlements arrived at from time to time. Prior to the said settlement, the terms and conditions of service were based on Sastri Award and modified by Desai Award. The said Bipartite Settlement is being followed and implemented in all the nationalised banks from the year 1966 and the unions in banks and bank managements are bound by the same. The Bipartite Settlement had provided certain incentives to workmen like graduation increments etc. for which proper guidelines are given in Bipartite Settlement itself. Indian Banks Association, the settling body for all nationalised banks in their letter dated 8-5-96 clarified that an employee is entitled for increments for graduation with no other conditions attached to it. If an employee graduates without passing matriculation, from a recognised University, he shall be entitled for graduation increments. An employee who acquire post-graduation degree without graduation is not entitled to such increments as per existing provisions of Bipartite Settlement. Hence, the claim of the Petitioner Union to the above is refuted and it is incorrect. When the 5th Bipartite Settlement was entered into and signed between Indian Banks Association representing the bank management and including the Respondent/Management and the workmen of all banks represented by Federation of Unions including the Petitioner Union on 29-6-90 providing for graduation increments, it was never the intention of parties thereto that graduation increments should be extended to persons acquiring post-graduate degree directly without obtaining bachelor's degree in the open University system. Therefore, the provision of Bipartite Settlement are not applicable to employees who have without graduation obtained post-graduate degree in open University. The said provisions in para 3 only has been in vogue since the Sastri Award and continues to be followed at industry level among all public sector banks, who were signatories to it and not the one as referred to by Petitioner

Union in para 5 of Claim Statement and hence it is denied. It is agreed that granting of such increment may be to enable the banks to have qualified persons and it is meant only to those persons who pass graduation and become graduates and not to those who acquire post graduation degree directly without bachelor's degree. It is true that sub-staff members who are promoted through internal process of promotions to clerical cadre were also given the benefit once they passed graduation, if they were originally non-graduates and on their obtaining bachelor's degree. The Petitioner cannot equate this promotion and graduation increment as alleged, when employees obtain master's degree by having recourse to open university system. The provision of 5th Bipartite Settlement replacing graduation increments with graduation allowance had all along been used as an incentive to employees and it cannot be construed as a right as a deemed benefit by having resort to a wrong interpretation without giving due consideration and weight to the intention of parties when the Bipartite Settlement was signed. The above provision is not applicable to the persons who acquire post-graduation directly without undergoing graduation. It is agreed by Respondent/Bank that some of the employees would have acquired graduation or post-graduation only to improve their academic qualification and personal status and wherever permitted by Bipartite Settlement provisions, due benefit had been given to them by Respondent/Bank provided they are eligible to get it. The post-graduate degree holders from open university who do not study English/vernacular as a language at degree level cannot have ability in that language and they could not have studied the language even upto high school level. The open university system does not warrant any minimum educational qualification for admission. The eligibility is completion of 35 years of age and nothing else. Still in certain open universities those who register under non-formal stream of bachelor's degree are required to qualify in a preparatory programme prior to admission. This reveals the impropriety in the claim made by Petitioner and such post graduation degrees secured through open university is not in any manner beneficial to the interest of the bank nor does it preserve bank's intentions. The Petitioner Union's reference to promotion policy in the Claim Statement is irrelevant and devoid of merits. With regard to recognition of such graduation without passing matriculation for promotion from subordinate staff to clerical cadre, it is left to the individual banks to take a view, for such promotions are not standardised at the industry level. The promotion policy settlements are agreed to between individual bank management and recognised unions/associations of workmen and it has no relevance to sanctioning of two increments. The Respondent/Bank is acting fairly and justify in considering/sanctioning graduation increments as per provisions of Bipartite Settlement. Even the Respondent/Bank took up the matter with IBA which is the negotiating body to arrive at industry level wages/

other settlements with the major trade unions for and on behalf of 56 participating banks in India. The IBA in its communication dated 10-2-84 has communicated its decision that *'Bipartite Settlement provides for an employee to be entitled for increments for graduation with no other conditions attached to it. If an employee graduates without passing matriculation, from a recognised/accredited university, he/she shall be entitled to graduation increments. An employee acquires post graduation degree without graduation is not entitled to such increments as per the existing provisions.'* There is no violation of Article 14 and 16 of Constitution of India by the bank and there is no unreasonableness in excluding those possessing direct P. G. degree obtained from open university for getting the benefit of graduation increments and its action is just and legal. It is not a benefit accruable to one sector being extended to other as claimed by the Petitioner Union in the Claim Statement. Allowing the increments for graduation is as per the existing Bipartite Settlement and is a part of service conditions, which is governed by settlements. The claim now made is not governed by the existing terms of settlement and hence the claim is untenable. The concerned workmen mentioned in the Claim Statement have been informed about the decision of the bank in this regard. The persons mentioned therein are not the persons in respect of whom the Petitioner Union initiated the conciliation proceedings which led to this present reference for adjudication. The action of the Respondent/Management in rejecting the claim of the Petitioner Union is legal, valid and justified. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to reject the reference by dismissing the claim of the Petitioner Union.

4. The averments in the rejoinder filed by the I Party/ Claimant are briefly as follows :—

The purport of the IBA letter dated 8-5-96 in interpreting unilaterally and differently is illegal and ultra vires. The last such Bipartite Settlement was entered into on 27-3-2000 and the settlement is for a period of five years w.e.f. 1-11-97. Neither the Sastry and Desai Awards nor the subsequent Bipartite Settlements have defined the term graduate. Hence, the dictionary meaning of the terms has to be taken. As per pocket Oxford Dictionary the term 'graduate' means a person holding an academic degree and according to shorter Oxford English Dictionary it means a person admitted to or holding a university degree and are who has obtained a university, college etc. Hence, a person who holds a university degree whether it is direct post-graduate or otherwise is a holder of a university degree and therefore, the communication of IBA dated 8-5-96 stating that a person acquiring a post-graduate degree without graduation in a degree college is not a graduate is totally untenable, baseless, arbitrary, illegal and contrary to the terms of Bipartite Settlements. The letter of IBA amounts to effecting a change in the terms of Bipartite

Settlement to the detriment of the employees which cannot be given effect to for want of Section 9A notice. Clause 4 of the settlement dated 29-6-90 concerning the payment of additional increments to graduate employees do not have any mention or distinction about acquiring of graduation or post-graduation. Based on the terms of said judgement of Hon'ble High Court of Mumbai, the management of State Bank of India paid the eligible additional increments from the date of the Petitioner of that Writ Petition become post-graduate with the payment of entitled arrears. The term graduate means a person holding a university degree, hence it is not the case of the Respondent/Bank that direct post graduate degree is not a university degree/academic degree. Hence it is prayed that this Hon'ble Tribunal may be pleased to pass an award holding that the action of the management in denying the additional two increments for graduation as provided for in awards and settlements is not valid, illegal and unjustified and further award that the employee who are all governed and covered under this dispute shall be paid the said two increments from the date they have become post-graduates.

5. When the matter was taken up for enquiry, no one has been examined on either side as a witness and no document has been marked as an exhibit on either side. Arguments advanced by the Representative for I Party/Claimant and the learned counsel for the II Party/Management were heard.

6. The point for my consideration is :—

“Whether the management of Indian Bank is justified in denying the employees, the graduation increments who have passed the post-graduation degree directly and if not, to what relief the workmen are entitled?”

Point :—

This industrial dispute has been raised by the General Secretary, Indian Bank Employees Union, Chennai, alleging that the decision of the management of Indian Bank in denying the employees the graduation increments who have passed the post-graduation degree directly as unjustified and has requested this Tribunal to pass an award directing the II Party/Management Indian Bank to make payment of additional two increments to those employees who have directly post-graduated from the date of claim with all other attendant benefits. It is admitted that the Bipartite Settlement dated 19-10-66 was entered into by and between the Workmen Unions represented by AIBEA and IBA, the representative body of the bank management. As per clause 10 of that settlement, governing the service conditions, the clerical cadre employees are eligible to draw two increments in advance in their scale wages for acquiring graduation qualification. The settlement provisions are in vogue since the Sastry Award in 1954 and continued to be followed in the subsequent Bipartite Settlements. Subsequent to Desai Award in the year 1962, the granting of two additional increments to graduates were sustained.

It is admitted that there are seven settlements governing the service conditions of the bank employees in the industry between AIBEA and IBA. It is also admitted that a memorandum of settlement dated 29-6-90 between IBA representing 54A class bank including Indian Bank and AIBEA representing workmen. Clause 10 of the Bipartite Settlement of 1989 was deleted and in its place a revised clause has been substituted. It is as follows :—

“On and from 1st July, 1990 clause 10 of the 5th Bipartite Settlement shall stand deleted and employees who are in receipt of graduation allowances in terms of this clause shall be granted two additional increments in lieu of the allowance without affecting their future dates of annual increments. Graduates employees recruited or promoted to clerical cadre or non-graduates who acquire such qualification on or after 1-7-90 shall also be granted two additional increments, as per the provision existing prior to the 5th Bipartite Settlement.”

It is the contention of the Petitioner Union that certain workmen belong to sub-staff cadre have post-graduated themselves from the recognised universities and were awarded their due promotion to clerical cadre as per promotion policy subsisting in the Respondent/Bank. But such employees were denied of two additional increments due for such graduation as provided for in the Clause 10 of Bipartite Settlement and the said action of the Respondent/Bank in denying additional increments to those workmen who got their post-graduation directly is unjust and unfair. It is the further contention of the Petitioner Union that various universities have introduced direct post-graduation courses and even non-graduates were allowed to pursue their study and acquire post-graduate degree direct and this has been well recognised and they were awarded the due recognition by the universities and Governments and the benefits available to the graduates through college are also extended to them. So the benefits accruable to graduates shall also be legally extended to such direct post-graduated employees. So this Hon'ble Tribunal may be pleased to pass an award directing the Respondent/Bank to make payment of additional two increments to those employees who have directly post-graduated from the date of the claim with all other attendant benefits.

7. Against this claim of the Petitioner Union the Respondent/Bank management has contended that the Bipartite Settlement had provided certain incentives to workmen like graduation increments etc. for which proper guidelines are given in Bipartite Settlement itself. Indian Banks Association, the settling body for all nationalised banks in their letter dated 8-5-96 clarified that an employee is entitled for increments for graduation with no other conditions attached to it. If an employee graduates without passing matriculation, from a recognised university, he shall

be entitled for graduation increments. An employee who acquire post graduation degree without graduation is not entitled to such increments as per existing provisions of Bipartite Settlement and hence, the claim of the Petitioner Union is refuted as incorrect. The Respondent/Bank has further contended that when the 5th Bipartite Settlement was entered into and signed on 29-6-90 with a clause providing for graduation increments, it was never the intention of parties thereto that graduation increments should be extended to persons acquiring post-graduate degree directly (without obtaining bachelor's degree) in the open university system. Therefore, the provisions of Bipartite Settlement are not applicable to employees who have without graduation obtained post graduate degree in open university. It is further contended that it is agreed that granting of such increment may be to enable the banks to have qualified persons and it is meant only to those persons who pass the graduation and become graduates and not to those who acquire post graduation degree directly without bachelor's degree and that the Petitioner Union cannot equate this promotion and graduation increments as alleged when the employees obtain master's degree by having recourse to open university system. It is further contended that it cannot be construed as right/as a deemed benefit by having resort to a wrong interpretation without giving due consideration and weight to the intention of parties when the Bipartite Settlement was signed and that the above provision is not applicable to the persons who acquire post graduation directly without undergoing graduation. It is further contended that the post-graduate degree holders from the open university who do not study English/vernacular as a language at degree level cannot have the ability in that language and they could not have studied the language even up to high school level. It is the further contention of the Respondent/Bank that such post graduation degrees secured through open university is not in any manner beneficial to the interest of the bank nor does it preserve bank's intentions. It is also contended by the Respondent/Bank that recognition of such graduation without passing matriculation for the promotion from subordinate staff to clerical cadre, it is left to individual banks to take a view for such promotions are not standardised at the industry level and that the promotion policy settlement are agreed to between individual bank management and recognised unions/associations of workmen and it has no relevance to sanctioning of two increments. It is further contended that the Respondent/Bank took up the matter with the IBA, which is the negotiating body to arrive at industry level wages/other settlements with major trade unions for and on behalf of 56 participating banks in India and that the IBA in its communication dated 10-2-94 has communicated its decision stating that the Bipartite Settlement provides for an employee to be entitled for increments for graduation with no other conditions attached to it. If an employee graduates, without passing matriculation from a recognised

accredited university, he/she shall be entitled to graduation increments. An employee acquires post graduation degree without graduation is not entitled to such increments as per the existing provisions. It is further contended that allowing the increments for graduation is as per the existing Bipartite Settlement and is part of the service conditions, which is governed by Settlements and that the claim now made is not governed by the existing terms of settlement and hence the claim is untenable.

8. It is the contention of the Petitioner Union that the explanatory letter of IBA dated 8-5-96 in interpreting the clause of the settlements in respect of the service conditions of the bank employees cannot be varied to the detriment of the employees and since that explanatory letter is an unilateral one and is different to the clause of the Bipartite Settlements is ultra virus and illegal. It is further contended that the last Bipartite Settlement was entered into on 27-3-2000 for the period of five years w.e.f. 1-11-97 and that neither the Sastry nor Desai Award or the subsequent Bipartite Settlements have defined the term 'Graduate' hence a person who holds a university degree whether it is direct post-graduate is otherwise, is a holder of the university degree and therefore, the communication of IBA dated 8-5-96 stating that the person acquiring a post-graduate degree without graduation through a regular college course is not a graduate is totally untenable, baseless, arbitrary, illegal and contrary to the terms of the Bipartite Settlement and that the letter of IBA amounts to effecting the change in the terms of settlements to the detriment of the employees which cannot be given effect to for want of section 9A notice and it is further contended that the terms of settlement do not have any mention or distinction about acquiring of graduation or post-graduation.

9. The xerox copy of the letters dated 10-2-94 and 24-7-2001 have been filed by the Respondent/Bank management. Under the letter dated 10-2-94, sent by Indian Banks Association to the Assistant General Manager, Indian Bank Central Office, Madras, in respect of the subject of sanctioning increments to persons having postgraduate qualifications without passing graduation course has stated that a similar issue was raised by a member bank and the same was considered by the Personnel Committee of the Indian Banks Association in its meeting held on 31-12-93 and it was decided by the Committee that Bipartite Settlement provides for an employee to be entitled for increments for graduation with no other conditions attached to it and that if an employee graduates (without passing matriculation) from a recognised/accredited university, he shall be entitled to graduation increments and that an employee who acquires post-graduation degree without graduation is not entitled to such increments as per that existing provisions. In the letter dated 24-7-2001 the Indian Banks Association advised the Assistant General Manager IRM (HRD) Head Office, Indian Bank, Chennai that the

Personnel Committee at its meeting held on 20-12-2000 has considered the issue of grant increment for passing post graduation without passing graduation and that the committee was of the view that since Bipartite Settlements provide for granting increments for graduations only, the issue of granting such increments for post-graduation completed directly without going through the process of graduation may be taken up in the next round of Bipartite negotiations at the industry level. It is seen from the contents of the above two letters of Indian Banks Association that when the Bipartite Settlements were entered into between AIBEA and IBA, provision for granting increments for graduation only was considered and issue of granting such increments for direct post-graduation without going through the process of graduation has not been considered as a negotiation at the industry level. This is not disputed by the Petitioner Union. Further, as it is stated in the Counter Statement of the Respondent/Bank management, the said graduation allowance was granted to the employees to enable the banks to have qualified persons and it is meant to only those persons who pass the graduation and become graduates and not to those who acquire post-graduation degree directly without bachelor's degree. It is further contended by the Respondent/Management that the post-graduate degree holder from open university, who do not study English/vernacular as a language at degree level cannot have the ability in that language and they could not have studied the language even up to high school level. So this contention of the Respondent/Management cannot be overlooked as incorrect. It is the definite contention of the Respondent/Bank management that it was never the intention of the parties to the Bipartite Settlement that graduation increments should be extended to persons acquiring graduate degree directly without obtaining bachelor's degree in the open university system. This contention of the Respondent/Bank management has not been stated as incorrect by the Petitioner Union. As it is stated by the Indian Banks Association in their letter dated 24-7-2001, this issue has got to be taken up by the All India Bank Employees Association with the Indian Banks Association in the next round of Bipartite negotiation at the industry level. Until such time, as per the existing provisions of Bipartite Settlements an employee who acquires post graduation degree without graduation is not entitled to such increments. Therefore, the management of Indian Bank is justified in denying the employees the graduation increments who have passed the post-graduation degree directly, hence such workmen are not entitled to the relief as prayed for by the Petitioner/Claimant in this dispute. Thus, the point is answered accordingly.

10. In the result, an Award is passed holding that the relief prayed for by the Petitioner Union on behalf of the concerned workmen who have directly post-graduated cannot be granted. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 10th January, 2003.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None

Documents Exhibited :

On either side : Nil

नई दिल्ली, 19 फरवरी, 2003

का. आ. 929.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिटी यूनियन बैंक लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर-कोर्ट, चेन्नई के पंचाट (संदर्भ संख्या आई. डी. नं.-3/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/476/2000-आई.आर.(बी-1)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 19th February, 2003

S.O. 929.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 3/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of City Union Bank Ltd. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-12012/476/2000-IR(B-1)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Wednesday, the 8th January, 2003

PRESENT : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 3/2001

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri R. Mohan and the Management of City Union Bank Ltd.]

BETWEEN :

Sri R. Mohan

: I Party/Workman

AND

The General Manager, : II Party/Management
City Union Bank Ltd.,
Kumbakonam

APPEARANCE:

For the Workman : M/s. T.K. Ravikumar,
Baburaj & RPK.
Murugesan, Advocates

For the Management : M/s. K. Jayaraman &
P. Nehru, Advocates.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-12012/476/2000/IR(B-I) dated 24/28-11-2000.

On receipt of the order of reference from the Government of India, Ministry of Labour, this case has been taken on file as I.D. No. 3/2001 and the preliminary issue in this dispute with regard to validity of domestic enquiry held on 4-2-2001 has been decided by this Tribunal vide order dated 30th May, 2001 holding that the domestic enquiry is vitiated and the Respondent/Management has been granted an opportunity to let in evidence before this Tribunal to prove the charges levelled against the Petitioner/Workman.

Upon perusing the Claim Statement, Counter Statement, additional Claim Statement, additional Counter Statement, oral evidence let in on the side of the I Party/Workman and oral and documentary evidence let in on the side of the II Party/Management, the other material papers on record, and after hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

AWARD

The Industrial Dispute referred to in the above-mentioned order of reference by the Central Government for adjudication by this Tribunal is as follows:—

“Whether the dismissal of Sri R. Mohan by the management of City Union Bank Ltd. is justified? If not, what relief is the workman entitled?”

2. The industrial dispute raised by the I Party/Workman Sri R. Mohan against the II Party/Management City Union Bank Ltd. is briefly as follows, as contended by the I Party/Petitioner:—

The I Party/Workman Sri R. Mohan (hereinafter refers to as Petitioner) was employed as Clerk under the II Party/Management City Union Bank Ltd. Kumbakonam (hereinafter refers to as Respondent). During the relevant point of time, the Petitioner was employed in Chinmayanagar branch of the Respondent/Bank as

Savings Bank Account Clerk. One Ms. Subha was having S.B. Account No. 3094 in that branch. She gave a requisition in the month of March, 1988 for issuance of a cheque book and the cheque book was issued by Sri Venkatesh and Tirumalai who were incharge of the cheque book issue register and necessary entries were made in that register. A cheque book containing 20 leaves with serial numbers 602801 to 602820 was recorded in the cheque issue register on 24-3-98 for delivering the same to the said account holder. One Sri Kuppusamy has used three cheques from out of the cheque book and encashed three different amounts on three different dates as Rs. 5000 on 7-10-88, Rs. 4500 on 12-10-88 and another Rs. 4500 on 15-10-88. The brother of the account holder Ms. Subha came to the bank 15 days later with the passbook of the account holder and informed the bank that as per the entries in the pass book the said cheque was not issued by Ms. Subha and insisted that account should be set right. The above cheques were passed by Sri Sivasubramaniam, Officer of the bank. He requested one of the customers M/s. Rajalakshmi Eng. Works to issue a cash cheque for Rs. 14000 and deposited the amount in the account of Ms. Subha. Mr. Mani and Srinivasan, officers of the bank instructed Mr. Mohan to fill up the general credit challan which is meant for internal transaction and accordingly he filled up the challan and a sum of Rs. 14000 was deposited in the S.B. A/c No. 3094 of the account holder Ms. Subha and the challan was passed by the officer Srinivasan. The Respondent/Management contended that the said cheque book was found to be in the illegal possession of the Petitioner without any authority and that the Petitioner used some of the cheque leaves of the cheque book with an ulterior motive for encashing a total sum of Rs. 14,000 and illegally encashed those cheques through one Mr. Karuppusamy employed in M/s. Kannan Fancy Stores and obtained money from him and this was detected when Mr. Karuppusamy of M/s. Kannan Fancy Stores came to the bank to encash the cheque. The Petitioner was on leave on 12-11-88. The Manager and Assistant Manager obtained letter from Mr. Karuppusamy, the signature in those cheques bearing nos. 602801 and 602802 were forged. When the Petitioner went to the bank on 13-11-98, the Branch Manager instructed him to meet the General Manager at 1.00 pm at T. Nagar branch. On that day, the General Manager Mr. Ramani and the Assistant General Managers S/Sri Sundaram and Mohan and T. Nagar Branch Manager Mr. Nagarajan were present. The Petitioner was directed to explain what had happened. The Petitioner gave a letter to the General Manager denying his involvement in the transaction. On 14-11-98, the Petitioner was called to Mount Road branch and there the General Manager, Assistant General Managers and T. Nagar Branch Manager Mr. Nagarajan were present. The Assistant General Manager Mr. Sundar drafted a letter and instructed the Petitioner to copy the same. As the Petitioner has no other alternative, but to copy the same. A charge memo dated

11-12-98 was issued to the Petitioner and the Petitioner was directed to submit his explanation. He submitted his explanation on 17-5-99 denying the alleged misconduct mentioned in the charge memo. As his explanation found to be unsatisfactory an enquiry was ordered and on 28-2-98 notice was issued to the proposed enquiry. One Mr. Anaiyappan was appointed as Enquiry Officer. On 3-1-99, the Petitioner sent a letter to the Respondent requesting certain documents and sought for permission to engage a lawyer to defend his case. The Respondent/Management has not given the copy of the Bipartite Settlement mentioning the duties and responsibilities of the staff. On 11-3-99, the Petitioner's request for engaging a lawyer to defend him in the enquiry was negated. In the enquiry, the Respondent/Management examined three witnesses. The Petitioner had examined four witnesses on his behalf. The Petitioner participated in the enquiry. The Enquiry Officer has given his findings in his report dated 5-12-99. The report of the Enquiry Officer with his findings was forwarded to the Petitioner with a direction to submit his comments for the same. Accordingly, the Petitioner has submitted his comments by his letter dated 9-2-2000. After that Disciplinary Authority came to the conclusion that the charges framed against the Petitioner were proved as per the findings of the Enquiry Officer and the same can be accepted. The Disciplinary Authority has passed an order dated 28-2-2000 by imposing the penalty against the Petitioner by dismissing him from service alleging that the misconduct has been proved. The Petitioner had contended that the enquiry was biased and against the principles of natural justice and the statement from the Petitioner was obtained on 14-11-98 by the Assistant General Manager under coercion and the Enquiry Officer has given a finding without considering the contradictory statements given by the witnesses while giving evidence and without applying his mind only to accommodate the Respondent/Management and the evidence of Sitaraman cannot be believed because of the contradictory version. The evidence given by the witnesses examined by the Petitioner were not considered properly by the Enquiry Officer. The Petitioner was not given sufficient opportunity to defend his case effectively. The disciplinary action procedure for the employees supplied to the Petitioner was not in existence as on 11-12-98 and in the absence of the disciplinary procedure the Petitioner cannot be charged and proceeded against and that the enquiry is not based on facts and on any approved norms. It is in violation of principles of natural justice. The dismissal of the Petitioner is not known to the law and is vindictive. Out of the employees who are responsible for issuance of cheque book, Venkatesh was allowed to resign and no action was initiated against him or against Mr. Tirumalai and officials who are responsible for tampering the computer were not proceeded against. Hence, the order passed by the Disciplinary Authority in dismissing the Petitioner from service is unjustified.

3. The averments in the Counter Statement filed by the Respondent/Management are briefly as follow:—

When the Petitioner was employed as a Clerk in Chinmayanagar branch of the Respondent/Bank, the serious misconduct committed by him came to the notice of the Respondent/Bank. A cheque book containing 20 leaves bearing Serial No. 602801 to 602820 recorded in the cheque issue register on 24-3-98 for delivering the same to the S.B. account holder Ms. R. Subha was found to be illegally under the possession of the Petitioner without any authority and with ulterior motive. It has found out that for a total sum of Rs. 14,000 the Petitioner used some of the cheque leaves and illegally encashed them through one Mr. Karuppasamy employed in M/s. Kannan Fancy Stores and obtained the said money from him. The signature in the cheques bearing Nos. 602801, 602802 and 602803 were forged. Hence, detailed charges were framed against the Petitioner and charge memo dated 11-12-98 was issued to him. As directed in the charge memo, the Petitioner submitted his explanation dated 17-12-98 as the same is not satisfactory, an enquiry was ordered and the same was conducted after due intimation to the Petitioner. The Petitioner participated in the enquiry thoroughly and every opportunity was given to him. Principles of natural justice were observed scrupulously. The Enquiry Officer who conducted the enquiry has given his findings dated 5-12-99 it was forwarded to the Petitioner with a direction to submit his comments. The Petitioner also submitted his comments. It was carefully considered by the Disciplinary Authority and he came to the conclusion that the charges framed against the Petitioner were proved and the findings of the Enquiry Officer was accepted as such. For the proved misconduct, the Petitioner was dismissed from service by an order of the Disciplinary Authority dated 28-02-2000 and it is legal, valid and binding. If for reason, this Hon'ble Tribunal comes to a conclusion that the enquiry and the findings are not fair and proper the Respondent/Management may be permitted to adduce both oral and documentary evidence to substantiate their case and justify the dismissal.

4. As the Petitioner/Workman has raised a plea challenging the validity of the domestic enquiry, the case was taken up first to decide the preliminary issue. After a detailed enquiry on the preliminary issue, this Tribunal has passed an order dated 30-05-2001 holding that the domestic enquiry is vitiated and the Respondent/Management was given an opportunity to let in evidence before this Tribunal to prove the charges against the Petitioner/Workman for the alleged misconduct, as it is prayed for by the Respondent/Management in their Counter Statement.

5. Availing the opportunity given to the Respondent/Management four witnesses have been examined on the side of the Respondent/Management as witnesses MW1 to MW4 and 27 documents as Ex. M1 to

M27 have been marked. On the side of the Petitioner, he alone has been examined as WW1 and no documents has been marked on the side of the Petitioner except the six documents that were marked as Ex. W1 to W6 while deciding the preliminary issue for the validity of the domestic enquiry conducted by the Respondent/Management. The arguments advanced by the learned counsel on either side were heard.

6. The point for my consideration is :

“Whether the dismissal of Sri R. Mohan by the Management of City Union Bank Ltd. is justified? If not, what relief is the workman entitled?”

Point :

The Petitioner has raised this industrial dispute challenging the action of the II Party/bank management in dismissing him from service as an unjustified one. It is admitted that the Petitioner Sri R. Mohan was employed as a Clerk in the City Union Bank Ltd. at its Chinmaya Nagar branch. For some alleged misconduct of the Petitioner, a charge memo dated 11-12-98 was issued to him by the Respondent Bank Management. Ex. M1 is the xerox copy of the charge memo dated 11-12-98 issued to the Petitioner. For that charge memo the Petitioner has submitted his explanation dated 17-12-98. The xerox copy of the same is Ex. M2. As the Respondent bank management found the explanation submitted by the Petitioner not satisfactory, a domestic enquiry was conducted. On completion of the domestic enquiry, the Enquiry Officer has given his report with findings that the charges levelled against the Petitioner have been proved. Here before this Tribunal, the Petitioner has alleged in the Claim Statement that the entire enquiry has not been properly conducted by giving reasonable opportunity to the Petitioner charge sheeted employee to put forth his defence effectively and the enquiry is biased and against the principles of natural justice. As the preliminary enquiry, the validity of the conduct of the domestic enquiry has been tried here in this Tribunal and having found that it is vitiated, a fresh opportunity has been given to the Respondent/Management to prove the charges levelled against the Petitioner/Workman afresh, before this Tribunal.

7. The Respondent/Management has examined four witnesses and had exhibited the documents they have relief upon before the Enquiry Officer to establish the charges against the Petitioner. On the side of the Petitioner, the charge sheeted workman, he examined himself as WW1 he has not filed any documents as defence exhibits.

8. It is alleged in the charge memo under Ex. M1 that while the Petitioner was working as Clerk in the Respondent/Bank Chinmaya Nagar Branch at Chennai, it came to the notice of the Respondent/Bank that the Petitioner has committed some serious misconducts. It is further alleged that a cheque book containing 20 leaves bearing serial

numbers 602801 to 602820 was recorded in the cheque issue register for delivering the same to S.B. account holder Ms. R. Subha, but it was found to be in the illegal possession of the Petitioner without any authority and it was found out that he used some of the cheque leaves from that cheque book for a total sum of Rs. 14,000 and illegally encashed them through one Sri Karuppasamy employed in M/s. Kannan Fancy Stores and obtained the said money from him and that the signature in the cheque were forged and those three cheques were bearing No. 602801, 602802 and 602803. It is further alleged that on 11-11-98 the said Sri Karuppasamy brought a cheque for encashment and on seeing the signature of Sri Karuppasamy on the back side of the cheque, the Bank Manager tried to identify him to enquire about the concerned three cheques encashed by him. But the Petitioner took the cheque brought for encashment by Sri Karuppasamy struck his signature on the reverse of the cheque and has signed as Raman and the same has been admitted by the Petitioner by his letter dated 14-11-98 and by this Act, the Petitioner had committed serious misconduct with an ulterior motive and had acted in a manner prejudicial to the interest of the bank besides disrupting the image of the bank in the minds of the public and had committed an act of misappropriation dereliction from duty and in a manner subversive of discipline. In the reply Ex. M2 the Petitioner has submitted to the charge memo under Ex. M1, he has denied personal possession of the concerned cheque book but has admitted as true that the three concerned cheque leaves from the cheque book were encashed by Sri Karuppasamy working in M/s. Kannan Fancy Stores and those cheques were passed by Ms. Karthiyaini and Mr. S. Sivasubramaniam. Officer had verified the signature and signed the cheques and he was not responsible for passing the cheque during the relevant period and that he obliged by filling the challan for account No. 3094 for amounts Rs. 14,000 sought to be deposited into that account and he has done so at the request of the officer Mr. Srinivasan and the amount mentioned in that challan was credited in the account of Ms. Subha in the first week of November and the matter was not informed to the Manager and that on 11-11-98 he was incharge of the passing cheques and since the signature tally, he passed the cheque and he has not done any mischief. It is his further averment in his reply under Ex. M2 that on 13-11-98 he was asked to go to T. Nagar office by the Manager and he went there and met the General Manager and as per his direction, he gave a letter but he had not done anything. Then on 14-11-98 as directed by the Manager he went to Mount Road branch at about 10.00 am and there the General Manager, Assistant General Manager and T. Nagar Branch Manager threatened him to give a letter, otherwise, action will be taken against him in the use of general credit challan filled up by him and on their assurance that no further action will be initiated, he wrote a letter to the dictation of Assistant General Manager Mr. Sundar. Both in his explanation under Ex. M2 and in his

Claim Statement, the Petitioner has stated that one Sri Karuppasamy of M/s. Kannan Fancy Stores came to the bank and encashed those three cheques amounting to Rs. 14,000. The Xerox copy of those three cheques bearing Nos. 602801, 602802 and 602803 dated 7-10-98, 12-10-98 and 12-10-98 for a sum of Rs. 5,000, Rs. 4,500 and Rs. 4,500 respectively is Ex. M7. On the back side of all these three cheques one Sri Karuppasamy has signed and the signature of Sri Karuppasamy on the back side of the cheque No. 602801 dated 7-10-98 for Rs. 5000 has been struck down. The cheque bearing No. 602801 dated 7-10-98 for Rs. 5000 has been signed as 'Sobha' whereas the other two cheques dated 12-10-98 each for sum of Rs. 4,500 bearing Nos. 602802 and 602803 have been signed as 'R. Subha'. Ex. M8 is the xerox copy of the specimen signature card of S.B. accountholder R. Subha under account No. 3094. A perusal of the signature in specimen signature card in Ex. M8 and the signatures available in these three disputed cheques under Ex. M7 clearly shown that the said account holder R. Subha has not signed those cheques, but her signature has been forged in these three cheques under Ex. M7 bearing her account No. 3094. The said accountholder Subha has given a complaint dated 3-11-98 to the bank, the xerox copy of the same is Ex. M15. In that complaint, she has stated that on 7th, 12th and 15th October, 1998 a total sum of Rs. 14,000 has shown to have been withdrawn from the account No. 3094 under three different cheques, though she has not issued any cheque on the above mentioned dates and that wrong entries have been made in record and wrongful encashment of Rs. 14,000 from her account has to be set right by giving credit to that amount in her account. This has been spoken to by MW1 in his evidence, as the Manager Sivasubramaniam gave him that letter preferred by Ms. Subha when he came back to duty on 5-11-98. Ex. M15 complaint is dated 3-11-98. It is his further evidence that on his verification of the cheque issue register he found that there was an entry to that effect that the cheque book has been issued but there is no signature of the customer for having taken the delivery of cheque book. The xerox copy of the relevant entry in the cheque book register is Ex. M6. It is his further evidence that on verification it was found that on those three occasions amounts have been drawn from S.B. account of Smt. Subha under three different cheques under Ex. M7. He also deposed that on verification he found that those cheques were issued in the name of Smt. Subha and the cash for those cheques have been received by the bearer of the cheque one Sri Karuppasamy and those three cheques with numbers of cheques in the cheque book shown to have been mentioned in the cheque issue register Ex. M6, but the said cheque book has not been delivered to accountholder Smt. R. Subha. He had also given evidence that he verified the signature of the customer R. Subha available in the records of the bank, S.B. account opening form and specimen signature card Ex. M9 and M8 respectively and found that they are not tallied. It is his

further evidence that on 3-11-98 under a general credit challan Ex. M17 a sum of Rs. 14,000 has been credited into the S.B. account No. 3094 in the name of accountholder R. Subha and it was filled up by the Petitioner Sri R. Mohan. It is his further evidence that Sri Karuppasamy working in M/s. Kannan Fancy Stores brought a cheque to the bank of a different accountholder. The xerox copy of the same is Ex. M10 and it was issued by the owner of M/s. Kannan Fancy Stores and the Cashier in the counter on verifying the signature of Sri Karuppasamy came and informed the Assistant Manager Mr. Sivasubramaniam that he was the person signed as Sri Karuppasamy in the three cheques under Ex. M7 and the Assistant Manager in turn had informed the same to him and that when he went to S.B. account and enquired said Sri Karuppasamy, the Petitioner Mohan took a cheque Ex. M10 and defaced the signature of Sri Karuppasamy in that cheque and had written as Raman. The other staff who were assembled there also had been that instrument. It is also his evidence that the Petitioner Mohan who also came there along with other staff took the instrument to see the signature of Sri Karuppasamy as others have done, but he only defaced the signature of Sri Karuppasamy in their presence and had written as Raman. It is also his evidence that when he enquired Sri Karuppasamy about his signature in the three cheques under Ex. M7, he had admitted that he only subscribed those signatures and got the amount mentioned in those three cheques and had given those amounts to his owner Seetharaman and those three cheques were given to him by his owner Sitaraman. MW1 had further deposed that he phoned up to Mr. Sitaraman and got him at the bank premises and that when Sitaraman came to the branch and on enquiry, he told MW1 that those three cheques under Ex. M7 were given to him by the Petitioner Sri R. Mohan with a request to encash the amounts mentioned therein and that when Assistant General Manager came from International Division of the bank on the next day, he verified the records and enquired the staff of bank and went to Sitaraman of M/s. Kannan Fancy Stores and examined himself also on 12-11-98 and at that time Sitaraman gave a written statement to Assistant General Manager and the xerox copy of the same is Ex. M13. It is his further evidence that when the Asstt. General Manager came to branch on 12-11-98 the Petitioner Mohan was on leave and on the next day on 13-11-98 when the Petitioner came back to work, he informed him about the enquiry made by the Assistant General Manager on the previous day and told the Petitioner that the AGM wanted him to come to International Division for enquiry and the Petitioner Mohan left the bank stating that he is availing leave for the day and on the next day, Mohan came to him and informed him that he is going to meet AGM in International Division only on that day and that after Mohan left for International Division AGM came to bank premises and the Assistant Manager Sivasubramaniam has given in writing as what had happened and then the AGM had left for International

Division, since the Petitioner Mohan has already gone there. It is his further evidence that when he went to International Division, he found that the Petitioner Mohan was waiting at the entrance and he informed him that he only has done all these things and he has prepared a written statement to that effect and the xerox copy of the same is Ex. M12. It is his further evidence that he met the AGM and handed over him the letters given by Sitaraman and the letter given to him by the Petitioner and at that time, the Petitioner also had accompanied him and Mr. Sundar AGM was not there at that time and it is incorrect to state that AGM Sundar prepared a statement and threatened the Petitioner to write like that and got the statement Ex. M12. The then AGM Mr. Mohan who is now working as Deputy General Manager in the International Banking Division of the Respondent/Bank deposed as MW2 before this Court has corroborated the evidence given by MW1. Mr. Sitaraman the owner of M/s. Kannan Fancy Stores has deposed as MW3. It is his evidence that Sri Karuppasamy was employed in his shop as a helper and he used to go to Respondent/Bank for their bank's transactions and Ex. M10 is the xerox copy of the cheque dated 11-11-98 issued to them by a customer for Rs. 2,000 and on the back side of the cheque he has put his signature and Sri Karuppasamy also had put his signature on the back side of the cheque and then he went to the bank to encash the cheque and that he came back to him and said that when he came out of the bank along with encashed amount for Rs. 2,000 he was called again inside the bank by the cashier assistant and was enquired and that Ex. M7 cheques were the cheques encashed through Sri Karuppasamy and those cheques were earlier given by Mr. Mohan and after encashment the amounts encashed were given to Mr. Mohan in the evening and he was enquiry on 12-11-98 in respect of these transactions and on that day he gave a written complaint to the bank manager and the xerox copy of the same is Ex. M13. MW4 Mr. Somasundram of M/s. Rajalakshmi Engineering Works, had deposed that he knew the Petitioner Mr. Mohan who was working as bank staff in Chinmaynagar Branch of the Respondent/Bank and that on 3-11-98 when he had been to bank branch the Petitioner called him out of the bank and informed him that he is in difficulties and the Petitioner wanted him to help him monetarily by giving Rs. 14,000 from his account in the bank and he told the Petitioner that he did not bring the cheque book to withdraw the amount the Petitioner brought withdrawal slip from the bank and through that a sum of Rs. 14,000 had been withdrawn from his account from the bank and handed over that money to Petitioner on his undertaking that he would pay back the amount in week's time and the xerox copy of the withdrawal slip dated 3-11-98 is Ex. M27. In the cross examination, he has stated that since he had to go urgently he put his signature in Ex. M27 and gave it to Mr. Mohan asking him to fill up the same. The Petitioner himself has admitted that he only prepared the general credit challan under Ex. M17 for

deposit of Rs. 14,000. All the evidences given by MW1 to MW4 have not been discredited in the cross examination to reject them as unbelievable. On the other hand, there is sufficient corroborative documentary evidence in support of the oral evidence. By giving evidence as WW1, the Petitioner has not made out a case to disbelieve the version of MW1 to MW4. In the cross examination, the Petitioner as WW1 has admitted the various documentary evidence relied upon by Respondent/Management and had admitted that the signature of the accountholder R. Subha has been forged in the cheques Ex. M7 and all those cheques have been signed by Sri Karuppasamy of M/s. Kannan Fancy Stores on the reverse side. It is also his admission that he only prepared the general credit challan Ex. M17 and the amount of Rs. 14,000 mentioned in that challan was taken from the account of M/s. Rajalakshmi Engineering Works for deposit of that amount in the S.B. account No. 3094 of the accountholder Ms. R. Subha. Further he had admitted in the cross examination that the signature of Sri Karuppasamy on the back side of the cheque Ex. M10 has been scored out and by its side he had written in his hands as 'Raman'. But he would say that he had written so, as he has been asked by Mr. Sivasubramaniam, Assistant manager. He has admitted that he had not stated earlier that he has been asked to write as Raman on the back side of Ex. M10 by Mr. Sivasubramaniam, Assistant Manager but he had stated so for the first time, here, when he gave his evidence in Chief Examination. It is his further evidence, that he went to Mount Road branch of the Respondent/Bank for enquiry and Ex. M12 is the xerox copy of the statement he had written and he had not reported to higher officials of the bank management or to police that under threat the statement under Ex. M12 had obtained from him on 14-11-98. So, from all these evidence both oral and documentary let in on either side before this Tribunal, it has been established that the Petitioner had committed the misconduct as alleged in the charge memo. Further, it is being strengthened by his own letter under Ex. M12. The owner of M/s. Kannan Fancy Stores Mr. Sitaraman also has given a statement dated 12-10-98 under Ex. M13 and he has deposed about the same as MW3. His oral evidence as well as Ex. M13 corroborates the evidence of the other witnesses examined on the side of the Respondent/Management. Further there is no motive for independent witnesses Mr. Sitaraman, owner of M/s. Kannan Fancy Stores MW3 and Mr. Somasundram, owner of M/s. Rajalakshmi Engineering as MW4 to come and speak against the Petitioner in this case. So, from this it is seen that the charges levelled against the Petitioner under Ex. M1 have been amply proved by the evidence let in by the Respondent/Management through witnesses and by documents.

9. Based on the documentary evidence as oral evidence let in earlier before the Enquiry Officer himself, the Enquiry Officer has given a finding that the charges

levelled against the Petitioner have been proved. On the basis of the findings of the Enquiry Officer, the Disciplinary Authority also has passed an order of imposing punishment on the Petitioner, after properly adopting the procedures as it is mentioned in Ex.M16. The Disciplinary Authority had passed final order dated 28-2-2000 dismissing the Petitioner from the services of the bank with immediate effect and the xerox copy of the same is Ex.M20. So under such circumstances, there is no scope for this Tribunal to interfere with the punishment imposed by the Disciplinary Authority by exercising its power under section 11A of the Industrial Disputes Act to modify the same. The proved charges against the Petitioner clearly show that he had committed fraud which warrants no leniency in awarding punishment. The Hon'ble Supreme Court has observed in case reported as 1998 3 LLN 89 Union Bank of India Vs. Vishwa Mohan that "*in banking business, absolute devotion, diligence, and integrity need to be preserved by every bank employee and in particular, by bank officer if, this is not observed confidence of depositors would be impaired*". By observing so, the Supreme Court has confirmed the order passed by the bank management dismissing the workman from service. In a case reported as 1999 II LLJ 194 the High Court has observed that "*the confidence of customer is paramount of success of banking business and continuing in employment the person who committed fraud on customers would be prejudicial to the interest of the bank.*" Both these decisions of the Higher Courts are quite applicable to the facts of the present case also. Under such circumstances, it can be said that the dismissal order passed by the management of City Union Bank Ltd. against the Petitioner/Workman Sri R. Mohan is justified. hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

10. In the result, an Award is passed holding that the action of the II Party/Management of City Union Bank Ltd. against the I Party/Workman Sri R. Mohan in dismissing him from the services of the Respondent/Bank is justified. Hence, the concerned workman is not entitled for any relief. No. Cost.

(Dictated to Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 8th January, 2003.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For the I Party/Workman : WW1 Sri R. Mohan

For the II Party/Management : MW1 Sri S. Krishnan,
Branch Manager
MW2 Sri R. Mohan, Dy.
General Manager
MW3 Sri R. Seetharaman
MW4 Sri Somasundram

Documents Exhibited :

For the I Party/Workman Nil

For the II Party/Management :

Ex. No.	Date	Description
M 1	11-12-98	Xerox copy of the charge memo issued to the Petitioner
M 2	17-12-98	Xerox copy of the explanation submitted by Petitioner to charge memo
M 3	28-12-98	Xerox copy of the enquiry notice
M 4	05-12-99	Xerox copy of the Enquiry Officer's findings.
M 5	Nil	Xerox copy of the enquiry proceedings
M 6	Nil	Xerox copy of the relevant pages of cheque issue Register
M 7	Nil	Xerox copy of the cheque Nos. 602801, 602803, 602802
M 8	26-11-88	Xerox copy of the specimen card copy of SB Account No. 3094
M 9	26-11-98	Xerox copy of the account opening form of S.B. A/c. No. 3094
M 10	11-11-98	Xerox copy of the cheque No. 601542
M 11	14-11-98	Xerox copy of the report submitted by the Asstt. General Manager on the fraud perpetrated at Chinmayanagar branch, Chennai.
M 12	14-11-98	Xerox copy of the letter from the Petitioner to General Manager.
M 13	12-11-98	Xerox copy of the letter of M/s. Kannan Fancy Stores to the General Manager, City Union Bank Ltd.
M 14	14-11-98	Xerox copy of the letter sent by the Manager Sri S. Krishnan to the General Manager City Union Bank Ltd.
M 15	03-11-98	Xerox copy of the letter from R. Subha to the Manager City Union Bank Ltd.
M 16	Nil	Original book of Disciplinary action procedure for Employees of City Union Bank Ltd.
M 17	03-11-98	Xerox copy of the General Credit Challan for Rs. 14000 from Smt. Subha S.B. A/c. No. 3096.
M 18	30-12-99	Xerox copy of the letter sent by the Respondent to the Petitioner along with findings of Enquiry Officer.

- M 19 09-02-2000 Xerox Copy of the reply submitted by the Petitioner to Respondent/Management against the findings of Enquiry Officer.
- M 20 28-02-2000 Xerox copy of the letter of General Manager to the Petitioner enclosing proceedings of Disciplinary Authority.
- M 21 09-01-99 Xerox copy of the list of witnesses and documents furnished to the Petitioner by the Respondent.
- M 22 14-01-99 Xerox copy of the letter sent by A.G.M. to Enquiry Officer requesting to grant time to produce certain documents to the Petitioner.
- M 23 06-02-99 Xerox copy of the letter sent by Asst. General Manager to Petitioner enclosing copies of documents to be relied upon by the Respondent in the domestic enquiry.
- M 24 11-03-99 Xerox copy of the letter from Chairman, City Union Bank Ltd. to Enquiry Officer with regard to permission to engage a lawyer for the Petitioner in the domestic enquiry.
- M 25 14-07-99 Xerox copy of the letter sent by Asst. Gen. Manager to Petitioner enclosing enquiry proceedings.
- M 26 14-11-98 Original letter from the Assistant Manager to the General Manager of City Union Bank Ltd., Chennai.
- M 27 03-11-98 Xerox copy of the cheque No. 551304 issued by Rajalaxmi Engg. Works for Rs. 14,000.

नई दिल्ली, 19 फरवरी, 2003

का. आ. 930.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर-कोर्ट, चंडीगढ़ के पंचाट (संदर्भ संख्या आई. डी. नं. 198/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/182/90-आई.आर.(बी-1)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 19th February, 2003

S.O. 930.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 198/90)

of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 18-2-2003.

[No. L-12012/182/90-IR(B-I)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT.
CHANDIGARH

Presiding Officer :

Shri S.M. Goel

Case No. ID 198/90

Sh. J.G. Verma, General Secretary,
S.B.I. Staff Congress, 3135, Sector 22-D
Chandigarh-160022.

... Applicant.

Vs.

Regional Manager,
State Bank of India, Regional Office,
Himachal, Post Box No. 13, Court Road,
Lower Lakkar Bazar, Shimla-171001.

... Respondent

REPRESENTATIVES

For the Workman : Sh. J.G. Verma

For the Management : Sh. Ashok Gupta

AWARD

(Passed on 27-1-2003)

The Central Govt. Ministry of Labour vide Notification No. 12012/182/90-IR. (B.3) dated 4th December, 1990 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of India, Shimla, in dismissing Shri Deepak Mehra w.e.f. 28-12-87 is legal and justified? If not, to what relief the workman is entitled to and from which date?"

2. The matrix of the facts culminating in the present reference are that the workman was served with a chargesheet of mis-appropriation of Rs. 5,850 while he was posted at Ponta branch. Reply to the chargesheet was not considered by the Management and Inquiry officer was appointed to conduct the inquiry. It is pleaded that ex-party inquiry was conducted by the Inquiry Officer *inter alia* proving the charges. The punishment of dismissal is not warranted in the circumstance of the case. The applicant

prayed that he be reinstated into service with full backwages and seniority.

3. In the written statement it is pleaded by the management that workman failed to participate in the inquiry on the number of dates and ex-party inquiry was conducted. The fact is that the workman resort to borrowing from Societies due to marriage of his younger sisters. He has admitted of having received the money from Mohar Singh complainant and mis-appropriated the same and failed to deposit the same in his loan account. The action of the Management is strictly in accordance to Sastri/Desai Award.

4. Both parties filed their respective affidavits in evidence and were also cross-examined.

5. I have heard the Learned Counsels for the parties and have also gone through the entire Inquiry file alongwith other documents with the assistance of Learned Counsel for the workman. He has argued that Inquiry Officer has not proved the charge of mis-appropriation against the applicant and inquiry was conducted by the Inquiry Officer in absence of the applicant. He has further argued that Inquiry Officer Sh. B.R., Sharma, appeared as MW2. In cross-examination he has admitted that no evidence was recorded by him after the inquiry was ordered ex-party. The presenting officer has produced the voucher and receipt of Rs. 5850. The Learned counsel for the workman has thus argued that no inquiry was conducted and no witness was produced and It is a case of no inquiry and the workman is entitled to re-instatement. On the other hand, the learned counsel for the Management has argued that regular inquiry has been conducted and despite many opportunities, the workman chose not to attend the inquiry preceding. I have gone through the inquiry proceeding dated 7-9-87. On the said date the inquiry officer had questioned the branch manager about the spurious entry of Rs. 5850 and counter foil given by Sh. Mehra, the workman of having received Rs. 5,850 was produced and in the absence of the workman no cross-examination was done and the charge of mis-appropriation was proved by the Inquiry Officer. The Learned Counsel for the workman also took me to the application of Mohar Singh Ex. M5 wherein the complainant has stated that the workman had taken Rs. 5850 from him for depositing in his loan account. Ex. M14, Ex. M17 are the other letters in which the applicant has admitted of having received the money from said Mohar Singh. Thus in my considered opinion it is a case of admission.

6. The Learned Counsel for the management has relied on the judgement of the Hon'ble Supreme Court in the Case of UCO Bank V/s. Hardev Singh decided on 18-2-2002 in which Hon'ble Supreme Court has held that one expects the higher standards of honesty and integrity. When admittedly small amounts deposited by the bank's customers do not find their way into the coffers of the

bank but land up in the pocket of an employee to say that the charge is not serious or the embezzlement is not intentional would be gross understatement, the least to say. The charge framed was serious and normally punishment of dismissal from service would have been logical course to take. Thus taking into consideration and following the judgement of the Hon'ble Supreme Court, and holding that the enquiry was conducted properly and in view of the admission of the workman, the workman is not entitled to any relief from this Tribunal. There is no merit in the reference and the same is returned against the workman. The reference is disposed off accordingly. Central Govt. be informed.

Chandigarh.

27-1-2003

S.M. GOEL, Presiding Officer

नई दिल्ली, 19 फरवरी, 2003

का. आ. 931.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दी कर्नाटक बैंक लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर-कोर्ट, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. नं.-8/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-12014/05/2002-आई.आर. (बी-1)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 19th February, 2003

S.O. 931.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 8/2001) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Karnataka Bank Ltd. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-12014/05/2002-IR(B-1)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

PRESENT

Shri E. Ismail
Presiding Officer

Dated : 29th November, 2001

INDUSTRIAL DISPUTE No. L.C.I.D. No. 8/2001

Between :

Sh. B. Narendra,
R.O. 18-7-74/3, Gowlipura,
Hyderabad

.. Petitioner

AND

1. The Branch Manager,
The Karnataka Bank Ltd.,
R.P. Road, Secunderabad.

2. The General Manager, HR & IR,
The Karnataka Bank Ltd.,
Regd : Office/Head Office,
Kodialbail, Mangalore-575 003.

.. Respondent

Appearances :

For the Petitioner : M/s G. Vidyasagar,
Smt. K. Udaya Sree &
Sri P. Sudheer Rao

For the Respondent : Shri K. Rama Reddy

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh report in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as stated in the claim petitioner are that the petitioner was appointed as turner in the respondent Bank on 17-1-1977 at Nampally Branch, Hyderabad. He was promoted as clerk in 1982 and transferred to Adoni Branch in Kurnool District. In 1986, the petitioner was transferred to Secunderabad Branch. While worked as such he was issued with a memorandum dated 3-9-1997 vice proceedings No. HO/HR & IR/1697/5856/97-98 alleging that he has not credited the amount received from the H.D. Canvasser to the Bank and misappropriated. Further that he made alterations in the credit challans. That an enquiry was conducted and ultimately he was issued that show-cause notice holding that the charges are true for dismissal. In spite of giving explanation he was dismissed by an order dated 3-10-98 with a liberty to prefer an appeal against the dismissal order. That he preferred an appeal to the Chief General Manager, Head Office, Mangalore who without considering the same to dismiss the appeal vide order dated 28-12-98 that the punishment of dismissal is disproportionate to the charges levelled against the petitioner. Hence the petition will be allowed and the respondent Bank may be directed to reinstate the petitioner in the services with continuity of service, full back wages and other all attendant benefits including the arrears of salary.

3. A counter was filed stating that the petitioner had already approached the ALC(C), Hyderabad on the

same issued and the notice served on 2nd respondent is annexed for the kind perusal of the Court. The petitioner cannot approach two or more forms simultaneously. Hence, without going to the merits of the case the petition is liable for dismissal at this state itself. So far as his appointment, promotion, and transfers to various branches is concerned it is admitted. While the petitioner was working as a cashier at Secunderabad Branch on 2-4-1997, he misappropriated monies belonging to the customers of the respondent Bank as he did not deposited Rs. 33,000 received from Honey Deposit Canvassers collected from various customers of the Bank. He did not account for the said amount. He also altered the correct challans submitted by the HD Canvasser along with the amount of Rs. 33,000 and thus resorted to misappropriation of the funds as well as falsification of the accounts. Hence the petitioner was charged sheet and regular domestic enquiry was held wherein the petitioner admitted his guilt and requested the disciplinary authority to condone his mistake and not to take further action. The Enquiry Officer came to a conclusion that the petitioner has defrauded the Bank and brought disrepute to the respondent Bank and hence it was decided the petitioner be awarded the punishment of dismissal from the services of the Bank. Accordingly he was dismissed vide order dated 3-10-98. That the petitioner preferred an appeal to the Chief General Manager, Appellate authority vide his letter dated 12-11-98. The Appellate Authority gave a personal hearing to the petitioner on 7-12-98, during the personal hearing also the petitioner admitted the misconduct, and pleaded for mercy. The Appellate Authority confirmed the orders of the disciplinary authority.

4. Respondent Bank is a financial institution dealing with the monies of their clients and the petitioner is one of the employees. It is submitted that the very essence of the relationship between the Bank and its clientele is faith. Bank, which is dealing to the public money, expects all employees to be loyal and honest to the institution. As it is totally relying on the faith of its clientele on them, the petitioner had acted with mala fide intention and defrauded the clientele of the Bank by not crediting the monies deposited into their honey collection accounts through the agent of the Banks. The petitioner had not accounted for the money deposited by the agent on various dates and he resorted to falsification of records to cover up his fraudulent action. Hence, the petition may be dismissed.

5. Arguments on validity of domestic enquiry were held and this Court by an order-dated 27-7-2001 held that the domestic enquiry held against the petitioner is valid.

6. In view of holding that the domestic enquiry is valid, the petitioner has not let any evidence and accordingly the respondent also has not let in any evidence. The question is one of deciding whether the punishment is commensurate with the alleged misconduct.

7. It is argued by the Learned Counsel for the petitioner that even assuming that the petitioner has admitted his guilt even then, the Tribunal or the Court has got powers to see whether the punishment awarded is commensurate with the misconduct. He relies on a Judgement of A.P. High Court 1999 (5ALT 450) wherein it was held "Labour Court has powers of jurisdiction to re-appreciate the validity of domestic enquiry and substitute it's own findings even in cases where workman concedes the validity of domestic enquiry—take reverse the findings of disciplinary authority. Even if findings of misconduct are justified, Labour Court has power to held dismissal as unjustified and award appropriate and lesser punishment". In the circumstances of a particular case. He also relied on a Judgement of which was AIR 1975 54 page 1227 wherein also the Hon'ble Supreme Court held that "the Sec. 11A now empowers Labour Court or Tribunal to reappraise the evidence and examine the correctness of the findings there at. The Sec. 11A further empowers it to interfere with the punishment and alter the same." He further submits that the petitioner was appointed in respondent bank on 17-1-1977 at Nampally Branch, Hyderabad. He was promoted as a clerk in 1982 and transferred to Adoni Branch, Kurnool where he worked up to 1986 and was transferred to Secunderabad Branch where he worked till 1997, i.e., he has put in 20 years of service when the memo was issued alleging misconduct. He further submits that as per Ex.M2 enquiry report the details of the alleged misappropriation between 5-4-1997 to 16-5-1997 is Rs. 33,000 which was remitted between 10-5-1997 to 19-7-1997. So practically the Bank has suffered no financial loss and even assuming when admitting if there was some laches on the part of the petitioner and his services unblemished service of more than 20 years and 8 months. He just ignored he does deserve sympathy of the Court and the Court has got ample powers under Sec. 11A. Submitted and further review of the Judgement of the Hon'ble High Court and Hon'ble Supreme Court referred to above. Therefore he pleaded that a lenient view may be taken and the punishment of dismissal may be substituted by a lesser punishment.

8. It is argued by the Ld. Counsel for the Respondent that no doubt the amount that has been misappropriated of Rs. 33,000 which he remitted back with interest. He also gave a letter dt. 9-7-1997 admitting the misappropriation of the amount. That MW1 in the enquiry is Sri K. Prabhakar, the Honey Deposit Canvasser of Secunderabad Branch who is also working as such from 1979. That he was remitting challans for the total amount of the previous days collection and remit the cash with challans to the cashier. But, he never used to obtain counter foil from cashier as he had utmost faith in the bank staff. That the petitioner herein misappropriated the amount submitted by him on 9 occasions. Further, in the plea of the charges he has admitted his guilt and requested for condonation of the guilt. He submits that misplaced sympathy should not be

invoked as it is grave misconduct of misappropriation of about Rs. 33,000. He relies on Hon'ble High Court List of disciplinary cases 1990—2000 in which he relies on the case K. Venkateswarlu Vs. Nagarjuna Gramothana Bank—1995 II LLJ 492 (APHC) wherein departmental enquiry is not necessary in case of admission of misconduct by the employee. He also relies on the Hon'ble Supreme Court Judgement that "any sympathy shown to the employee in such cases is totally uncalled for and opposed to public interest. Where even alleged to have misappropriated with a sum of Rs. 1,548.17 ps, it is the act of misappropriation that is relevant."—1996 SC FLR(73) 1429. Therefore submits that no sympathy can be shown.

9. Even in documents filed by the petitioner, it is mentioned that he was in the habit of borrowing from the public and customers and used to default. Now only question that remains to be asked is whether he paid the amount with interest or not. He paid the same on 19-7-1997. He himself has given a letter Ex.M10 (In Ex.M1) that he is responsible for the differences in cash short of Rs. 20,810 and remitted the same on 19-7-1997 vide Ex.M12 (In Ex. M1).

10. He has put in about 21 years of service, the question is whether it is a fit case to invoke the powers under Sec. 11A of the Act. He was dismissed from service in October, 1998 i.e., almost he was allowed to continue in the same position for one year. Reinstatement of course is out of question as it is a case of misappropriation on number of occasions and voluntary admission on number of occasions by the petitioner. The question is whether dismissal can be substituted by any other punishment as compulsory retirement or any other form of punishment. I have given serious thoughts and the circumstances in which the petitioner is said to have committed the said temporary misappropriations. But seeing the gravity of the offence neither reinstatement is desirable nor compulsory retirement. However, seeing his 20 years of service and one year after the incident and the fact that he deposited the entire amount with interest of Rs. 20,810. I am of the opinion that the petitioner is entitled for some relief.

11. Hence, he is awarded 9 months gross wages as compensation instead of reinstatement or any other relief since in the circumstances stated above and the fact that he has got 3 minor children and a family to support.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced in the Open Court by me on this the 29th day of November, 2001.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examine for the
Petitioner :

NIL

Witnesses examined for
the Respondent :

NIL

Documents marked for the Petitioner/Union

NIL

Documents marked for the Respondent

Ex.M1 : Enquiry Report dated 27-6-1998.

नई दिल्ली, 19 फरवरी, 2003

का. आ. 932.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार, स्टेट बैंक ऑफ पटियाला के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर-कोर्ट, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. नं.-79/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-12011/02/97-आई.आर. (बी-1)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 19th February, 2003

S.O. 932.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 79/98) of the Central Government Industrial Tribunal/Labour Court, New Delhi Now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 18-02-2003.

[No. L-12011/02/97-IR(B-I)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL : NEW DELHI

PRESIDING OFFICER : SHRI B. N. PANDEY

I. D. No. 79/98

Shri Kundan Singh through The President,
U.P. Bank Employees Congress (Ghaziabad Unit)
C/o Bank of India 43, Navyug Market,
Ghaziabad-201001.

... Workman

Versus

The Regional Manager,
State Bank of Patiala,
Regional Office,
C-31, Connaught Place,
New Delhi-110001.

... Management

AWARD

The Central Government in the Ministry of Labour
vide its Order No. L-12011/02/97-IR(B-I) dated 11-3-98 has

referred the following industrial dispute to this Tribunal
for adjudication :—

“Whether the action of the management of State Bank of Patiala in not paying the full scale wages of subordinate staff to Shri Kundan Singh, part time workman against his full day working w.e.f. 1-1-92 is just, fair and legal. If not what relief he is entitled and from what date?”

2. The workman has claimed that he has been working at Navyug market Gaziabad Branch of the bank from 1-1-92 and performing outdoor and indoor duties of office peon. The duties performed are of permanent and perennial nature and the post too is permanent. That he has been performing duties as peon for more than 29 hours per week and, therefore, he is entitled to full scale wages with other benefits under the Bipartite Settlement, that the bank has also absorbed him in the services of the bank in 1/3rd pay scale w.e.f. 1-6-95 though as submitted aforesaid, he is entitled to full scale wages w.e.f. 1-1-92. That by virtue of his continuous employment and performing of full time nature of work regularly a right to full time scale of pay and allowances accrued to him, that the workman submitted number of written representations demanding permanency and full scale wages with other benefits but in vain. That upon raising an Industrial dispute by the workman/union in the matter before the A.L.C.(C)/Conciliation Officer, the conciliation officer also visited Navyug market Gaziabad branch of the bank on 5-8-96 for spot verification of the records of the branch to ascertain the natural and quantum of duties performed by the workman and in presence of both the parties representatives, made following observations in his report dated 5-8-96.

“(V) he was deputed almost every day to the post office for registering the dak and the telegraph office for sending the telegram on behalf of the Bank....., he also observed, on checking the peon book it was found that the workman also performed the job of distributing the ‘Dak’ locally on various dates.” That the conciliation proceedings before the conciliation officer ultimately failed, hence this reference. The workman has prayed that he is entitled to full scale wages with effect from 1-1-92 continuously with all other consequential benefits.

The management in its written statement has denied claim of the workman and alleged that he was never a full time employee of the Bank. However, the bank has admitted in its written statement that the bank has absorbed the workman Kundan Singh on 1/3rd scale wages as a matter of policy circular vide circular dated 31-5-95 and is entitled to get all the benefits as per Bipartite Settlement as applicable to employees getting scale wages.

3. The workman also filed his rejoinder reiterating his earlier versions made in his statement of claim.

4. In support of his case the workman filed affidavit of WW1 Shri Ashok Kumar Marwah President of U.P. Bank Employees Congress Ghaziabad Unit who identified his own signature and verified and identified signatures of conciliation officer on the spot verification report Ex. W9, and his own affidavit as WW2, Kundan Singh, in evidence. They were also cross-examined by the management's representative. On the other hand, the management filed affidavit of MW1 Shri J.S. Virk Branch Manager S.B. of Patiala Ghaziabad in its evidence who was also cross-examined by the workman's representative. Besides the affidavits, the workman also filed certain documents regarding his representations and also photo-copy of spot verification report Ext. W9 out of which genuineness of copy of School leaving certificate and mark sheet of the workman, typed copy of certain provisions of Bipartite settlement (annexure W2) and copy of spot verification report and failure report of conciliation were admitted by the management-representative and rest of the documents were denied. No documentary evidence was adduced by the management.

5. I have heard ld. representative of the workman. None appeared on behalf of the management at the stage of arguments. I have also gone through the file.

6. The spot verification report dated 5-8-96 (Ex. W9) conducted by A.L.C. (C) Dehradun has not been denied by the management. In para 10 of the written statement, the management has admitted the visit of conciliation officer. As per spot verification report, workman had been paid conveyance allowance on various dates and "The Peon Book" disclosed that the workman performed job of distribution of 'dak' locally on various dates. It is also admitted that the bank has absorbed the workman Kundan Singh on 1/3d scale wages as a matter of policy. The workman has stated that he used to perform duties for 8 hours on each working day and the nature of duties performed by him were of peon. For the first time written complaint was made by him on 13-5-95 for payment of full pay scale to him w.e.f. January 1992 and to regularise him on the post of peon. Copies of his representations dated 1-8-95, 22-8-95, 2-2-96, 16-3-96 and 22-4-96 are on the record. In his cross-examination MW1 Shri G.S. Virk admitted that "It is correct that workman Kundan Singh is still working in the bank. He is working as part time employee on temporary basis. It is correct that Shri Kundan Singh is working continuously since the month of 1st January, 1992." The admitted fact by the own witness of the management coupled with the claim of the workman clearly proves and add credential to the fact that the workman has been regularly working in the bank from 1-1-92. The sole plea of the bank is that the workman was supplying water for one or two hours on contract basis and not performed any duty of peon cannot be believed in view of the evidence of the MW1. The bank has not adduced any evidence to rebut the evidence of the workman. There is no evidence at

all to prove that the workman has been working as water boy for one or two hours only on contract basis. Rather the bank in its written statement has alleged that on the request of workman he was assigned additional jobs. On the other hand workman stated in his evidence that he never made any request for assigning any work. That the work was assigned by the branch manager. The undisputed fact is that the bank assigned work to the workman and the workman did perform duties. Admittedly the Bipartite settlement provides for paying full scale wages when work performed exceeds 29 hours in a week. Evidence on records as discussed above leads to only conclusion that the workman worked for more than 29 hours in a week which entitles the workman to get full scale wages as per Bipartite settlement.

7. The continuous employment right from 1-1-92 till this date as admitted by the management witness No. 1 itself is sufficient proof that there was and is regular work. The workman is still working. The workman has already been absorbed w.e.f. 1-6-95. Since the workman has been working continuously as peon w.e.f. 1-1-92 and discharging duties for more than 29 hours in a week and has been absorbed in the Bank's service w.e.f. 1-6-95. The action of the management of the State Bank of Patiala in not paying the full scale wages to the workman is neither just, nor fair and legal. The workman is entitled to full scale wages, other allowances and benefits as prescribed under the various Bipartite settlements atleast w.e.f. 1-6-95.

8. The reference is answered and award given accordingly.

B.N. PANDEY, Presiding Officer

Dated: 14-2-2003.

नई दिल्ली, 19 फरवरी, 2003

का. आ. 933.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर-कोर्ट, चंडीगढ़ के पंचाट (संदर्भ संख्या आई. डी. नं.-63/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/179/93-आई.आर.(बी-1)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 19th February, 2003

S.O. 933.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 63/95) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of State Bank of India and their workman, which was received by the Central Government on 18-02-2003.

[No. L-12012/179/93-IR(B-I)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Presiding Officer : SHRI S.M. GOEL

Case No. ID 63/95

Sh. J.G. Verma, General Secretary
State Bank of India Staff Congress,
719/22-A, Chandigarh.

... Applicant.

V/s

The General Manager,
State Bank of India,
Local Head Office,
Sector 17, Chandigarh.

... Respondent.

REPRESENTATIVES

For the Workman : Sh. J.G. Verma

For the Management : Sh. P.K. Gupta

AWARD

(Passed on 23-01-2003)

The Central Govt. Ministry of Labour vide Notification No. L-12012/179/93-IR. B.I. dated 12th July, 1995 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of SBI in terminating the services of Shri Rajender Kumar, Sweeper w.e.f. 25-2-91 is legal and justified ? If not, what relief the workman is entitled to ?"

2. In the claim statement it is pleaded by the applicant that he was employed with the management as sweeper w.e.f. 6-6-90 and his services were terminated on 25-2-1991. He had completed more than 240 days of service. No notice or notice pay was given at the time of his termination. It is also pleaded that number of persons were employed after his termination and he was not offered preferential treatment as provided U/s 25-H of the I.D. Act 1947. He has prayed that he be reinstated in service with back wages and other benefits.

3. In written statement, the management pleaded that the applicant worked with the management only for 183 days and he was paid for the number of days he worked. It is further pleaded that the management has not violated

the provisions of Industrial Disputes Act, 1947 and the applicant is not entitled to any relief, and prayed for rejection of the reference.

4. Replication was also filed reiterating the claim made in the claim statement.

5. Both the parties filed their respective affidavits in evidence and they were cross-examined also.

6. I have heard the learned representatives of the parties and have gone through the entire record of the case. The learned counsel for the workman has argued that the workman had completed more than 240 days of service in one calendar year and the management has not given any retrenchment compensation at the time of termination of his services and therefore, the management has violated the mandatory provisions of Section 25-F of the I.D. Act, 1947. On the other hand, the learned rep. of the management has argued that the applicant had worked in other branches also and total number of days he put in with the management is 183 days. The management has specifically pleaded that from the period 3-8-90 to 19-2-1991 the workman has put in only 183 days of service and the workman has not proved by any document or through any vouchers for payment that he worked for more than 240 days with the management in a calendar year. The learned representative of the workman has also referred me to the case of Range Forest Officer Vs. S.T. Hadimani reported in AIR 2002 Supreme Court 1147 wherein it is held by the Hon'ble Supreme Court that onus lies upon the workman to show that he had in fact worked for 240 days in a year and in absence of proof of receipt of salary or wages or record of appointment, filing of affidavit by the workman is not sufficient evidence to prove that he had worked for 240 days in a year preceding his termination. In the case in hand also, the only document which has been filed by the applicant is his affidavit in which he has mentioned that he had put in more than 240 days of service. There is no other record available with the workman. Thus, in the absence of any proof as held by the Hon'ble Supreme Court in the above referred judgment, it cannot be held that he worked for more than 240 days in a year with the management. Therefore, to my mind, the workman is not entitled to any relief in the circumstances of the case. The reference is answered against the workman and disposed of accordingly. Central Govt. be informed.

Chandigarh:

23-1-2003

S.M. GOEL, Presiding Officer

नई दिल्ली, 19 फरवरी, 2003

कायदा नं. 934—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार मैं, केन्द्रीय सरकार, इंडियन बैंक के प्रबंधकों के सम्बन्ध में निपटारे और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/

श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 668/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/252/98-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 19th February, 2003

S.O. 934.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 668/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Indian Bank and their workman, which was received by the Central Government on 19-2-2003.

[No. L-12012/252/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Wednesday, the 5th February, 2003

PRESENT : K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 668/2001

(Tamil Nadu Principal Labour Court CGID No. 252/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri B. Anandan and the Management of Indian Bank, Chennai.]

BETWEEN

Sri B. Anandan : I Party/Workman

AND

The General Manager,
Indian Bank, Chennai : II Party/Management

APPEARANCE :

For the Workman : M/s. Row & Reddy,
Advovates

For the Management : M/s. Aiyar & Dolia,
R. Arumugam &
N. Krishnakumar,
Advocates

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947

(14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-12012/522/98/IR (B-II) dated 19-4-99.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, Chennai, where the same was taken on file as CGID No. 252/99. When the matter was pending enquiry in that Principal Labour Court, the Government of India, Ministry of labour was pleased to order transfer of this case also from the file of Tamil Nadu Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Tamil Nadu Principal Labour Court, this case has been taken on file as I.D. No. 668/2001 and notices were sent to the counsel on record on either side informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 23-10-2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and prosecuted this case further. The Claim Statement and Counter Statement of the respective were filed earlier before the Tamil Nadu Principal Labour Court, Chennai, when the matter was pending there for adjudication.

Upon perusing the Claim Statement, Counter Statement, the documentary evidence let in on either side, the other material papers on record, the written arguments filed by the learned counsel for the II Party/Management, and after hearing the arguments advanced by the learned counsel for the I Party/Workman, this matter having stood over till this date for consideration, This Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the management of Indian Bank is justified in terminating the services of Sri B. Anandan w.e.f. 2-5-1996 and if not, to what relief the workman is entitled?”

2. The averments in the Claim Statement of the I Party/Workman Sri B. Anandan (hereinafter refers to as Petitioner) are briefly as follows :—

The I Party/Workman Sri B. Anandan joined the II Party/Management Indian Bank, Chennai as sub-staff on 1-7-94 and was discharging his duties faithfully, efficiently and sincerely. His past record of service was blemishless. When the Petitioner was working as sub-staff in Villupuram Branch, he was suspended pending disciplinary action on 1-7-76. He was served with charge memo on 26-7-76 alleging that on 1-7-76 he drew a pay order for Rs. 5000 on the S.B. Account No. 4235 of one R. Subramanian with Villupuram Branch favouring on Sri V. Arumugam and forged the signature of the account

holder and delivered the pay order to his brother Sri B. Sanjeevi who endorsed the same on the reverse as V. Arumugam. The Petitioner issued token bearing No. 552 to his brother and entered the token number on the pay order and thereby facilitated his brother to receive cash payment for the forged pay order. The Petitioner submitted his explanation dated 9-10-76 denying the charges alleged against him as false, baseless and fabricated. The Respondent/Management did not take any action thereafter nearly for a period of two years. On 18-12-78, the Respondent/Management issued 2nd show cause notice reproducing the very same charges alleged against him in the earlier charge memo and appointed an Enquiry Officer to hold a domestic enquiry against the Petitioner. The Petitioner was not asked to submit his explanation. No enquiry was conducted against him and there was complete silence from the Respondent/Management for a period of 1½ years. All of a sudden on 12-4-80 the Respondent/Management passed an order wherein it was stated that the bank came to know of the conviction passed against the Petitioner in C.C. No. 343 of 1976 by Sub-Divisional Magistrate, Villupuram wherein the Petitioner had been convicted with sentence of two years R.I. and also fined to pay Rs. 500 for criminal offences committed by him. The Respondent/Management stated that by virtue of the provisions of Section 10(1)(b) of Banking Regulation Act and also Clause 19.3(b) of the Bipartite Settlement dated 19-10-66 the services of the Petitioner stands terminated w.e.f. 8-2-80 i.e. the date of judgement of the criminal court. As against the conviction, the Petitioner preferred an appeal before the District and Sessions Judge, Cuddalore in C.A. No. 84 of 1980 and the Hon'ble Judge by his judgement dated 20-4-82 allowed the appeal filed by Petitioner and acquitted the Petitioner. After obtaining the copy of the said judgement made in criminal appeal acquitting him of the charges, the Petitioner made a representation of Respondent/Bank on 14-6-82 enclosing a copy of the judgement and requested the Respondent/Management to reinstate him in service, since he was earlier terminated only on the basis of conviction passed against him by criminal court. The Respondent/Management by its letter dated 21-10-82 reinstated the Petitioner in service forthwith accepting the Criminal Appellate Court's judgement and also paid him arrears of wages due to him for the period he was out of employment. However, the Respondent/Management once again placed the Petitioner under suspension pending enquiry. Aggrieved by the continued suspension, the Petitioner preferred a writ petition in the High Court of Madras and also obtained stay of all further proceedings, since the basis of his earlier termination was only conviction ordered by criminal court and after the said conviction has been set aside and Petitioner had been acquitted the management had no jurisdiction to once over against place the Petitioner under suspension and hold a domestic enquiry into the very same alleged misconduct. However, the High Court of Madras was pleased to pass

orders directing the domestic enquiry to be proceeded with and the result of enquiry should not be implemented till the disposal of the said Writ Petition. The Respondent/Management commenced the enquiry on 25-6-85 and as many as 8 witnesses were examined on the side of the management in the said enquiry. The Petitioner examined one witness on his side and also examined himself as a witness. The enquiry was concluded on 7-9-86. The Enquiry Officer rendered his finding on 30-6-87. In view of the order passed by High Court of Madras not to implement the finding of enquiry, the Respondent/Management sought the permission of High Court to implement further orders and the Writ Petition itself was directed to be taken up for final hearing. Since the Petitioner was advised to challenge the final order to be passed against him, if it was found to be adverse to him, the Writ Petition was withdrawn with liberty to challenge the final order at the appropriate time. The Respondent/Management issued him the 2nd show cause notice dated 19-3-96 enclosing copy of the Enquiry Officer's findings and proposed the punishment of termination from service. The Petitioner came to know that the Enquiry Officer has found the charges alleged him were proved in domestic enquiry said to have been conducted by Respondent/Management. Petitioner submitted his explanation to 2nd show cause notice by his letter dated 15-4-96, wherein he submitted that the enquiry itself was not conducted in a fair and proper manner and in accordance with principles of natural justice and the Enquiry Officer was biased and prejudiced against him right from the beginning and there was no legal evidence available against him to hold that the charges have been proved, the findings of the Enquiry Officer was perverse one sided, and bad in law as no reasonable person would come to such a conclusion on the basis of evidence available on record, the Sessions Court judgement had not all been considered in a manner known to law by the Enquiry Officer. However, the Disciplinary Authority without considering the various points raised by Petitioner in his explanation passed orders on 22-5-96 terminating the Petitioner from the services of Respondent/Bank. The Petitioner preferred an appeal to General Manager of the Respondent/Management by his letter dated 5-7-96. The Petitioner put forth his grounds as against the order of termination and also against the findings of the Enquiry Officer in his appeal memo to Appellate Authority. The Appellate Authority without properly considering his appeal passed orders on 11-1-97 dismissing the appeal filed by the Petitioner and the same was communicated to the Petitioner by letter dated 13-1-97 and then the Petitioner raised an industrial dispute under Section 2A of Industrial Disputes Act, 1947 before the Assistant Labour Commissioner (Central), for conciliation. He after having conciliated the dispute and could not bring about any settlement submitted the failure of conciliation report and on the basis of the failure of conciliation report submitted by the conciliating authority, the Government of India has referred this dispute for

adjudication by this Tribunal. The action of Respondent/Management lacks bonafide, hence the order of termination is liable to be set aside. The findings of the Enquiry Officer cannot be said to be fair and proper but the same is perverse and bad in law. The Respondent/Management ought not to have accepted the said one side and perverse findings of the Enquiry Officer and imposed on the Petitioner the punishment of termination from service. Hence, it is prayed that this Hon'ble Tribunal may be pleased to hold that the action of the Respondent/Management in terminating the services of the Petitioner w.e.f. 22-5-96 is not justified and direct the Respondent/Management to reinstate the Petitioner in service with back wages, continuity of service and with all other attendant benefits and consequential benefits and costs.

3. The averments in the Counter Statement filed by the II Party/Management, Indian Bank, Chennai, (hereinafter refers to as Respondent) are briefly as follows :

The averment of the Petitioner that he was discharging his duties faithfully, efficiently and sincerely is not correct. He has been found guilty of the grave charges of misappropriation of Rs. 5000. It came to light that on 1-7-76 the Petitioner forged the signature of a customer by name Sri P. Subramanian who was holding S.B. Account No. 4235 with Villupuram Branch of the Respondent/Bank. The Petitioner forged the signature of Sri Subramanian in the relevant pay order for Rs. 5000/- and handed over the same to his brother Sri B. Sanjeevi. The said Sanjeevi endorsed on the reverse side of the pay order by putting the name of Sri V. Arumugam. The Petitioner issued token bearing No. 552 to his brother Sri Sanjeevi and entered the token number in pay order and also the folio No. 9/4235 to mislead that the pay order has been debited in ledger. The Petitioner further put 'pay cash' stamp on the pay order and forged the signature of the accountant in the space provided for passing the pay order making it appear that the pay order had been passed for payment. He further kept the pay order in token register alongwith other genuine pay orders and cheques and took the said register to cash counter and placed it in the usual place, and thereby enabled his brother to receive the payment under the forged pay order. In fact, the Petitioner being a sub staff is not expected to do these functions. He had overstepped his authority and carried out these functions with fraudulent intentions. On a complaint made to police, the matter was investigated by police on 7-7-76. The Petitioner confessed his guilt to the police officer concerned and took the police officer alongwith the manager of the bank and another person to his residence at his native place at Odiyathur and in their presence, dug out the currency notes of value of Rs. 5000 from the backyard of his house and to this effect the police also had prepared a magazar. Under the aforesaid circumstances, the show cause notice dated 26-7-76 was issued to Petitioner calling upon him to explain as to why disciplinary action should not be taken against him. Pending

enquiry, the Petitioner was kept under suspension w.e.f. 26-7-76. The documents and other materials were with the police who were investigating into the offences committed by the Petitioner and therefore, the departmental proceedings could not be initiated immediately. In reply to the show cause notice dated 26-7-76 the Petitioner admittedly did not give any detailed explanation on the ground that the same would prejudice his defence in the police case. However, on 18-12-78 the charge sheet was issued to him setting out the acts of misconduct committed by him. Though an enquiry was ordered against him, since the police was seized of the matter, the domestic enquiry could not be held immediately. The charge sheet was filed by prosecution before the criminal court on 22-3-79 i.e. Sub Divisional Judicial Magistrate Court at Villupuram in C.C. No. 343 of 1979. The Petitioner was tried for offences under Sections 468 and 420 of IPC. By the judgement dated 8-2-80 the said criminal court convicted the Petitioner for the aforesaid offences and sentenced him to undergo R.I. for two years. Under Section 10(1)(b)(i) of Banking Regulation Act, no banking company shall employ or continue in employment any person who had been convicted by criminal court for an offence involving moral turpitude. When the Respondent/Bank came to know about the conviction and sentence imposed on the Petitioner on 12-4-80, it terminated the services of the Petitioner w.e.f. 8-2-80 i.e. the date of judgement of the criminal court. While communicating the order dated 12-4-80 the Respondent/Bank in categorical terms set out the following :

"This order is issued to you without prejudice to the rights of the bank to hold an enquiry against you in respect of charge sheet dated 18-2-78 if and when the same is necessitated at a future date."

The Petitioner had filed Criminal Appeal No. 84/1980 on the file of District & Sessions Court at Cuddalore against the conviction and sentence imposed on him. The said court allowed his appeal by its judgement dated 20-4-82. It could not be alleged that the Petitioner was honourably acquitted but the appeal was allowed on the ground that there was no sufficient evidence to prove the alleged offences since before criminal court, there should be evidence to establish the guilt beyond all reasonable doubt. In view of the acquittal of Petitioner on 20-04-82, status quo ante was restored and he was continued to be kept under suspension pending enquiry levelled against him under charge sheet dated 18-12-78 and the same was communicated by Deputy General Manager (PL) who was the Disciplinary Authority vide order dated 13-10-82. The disciplinary action was continued as per the provisions of Clause 19.3(c) of the Bipartite Settlement. The Respondent/Bank took steps to get certified copies of documents and depositions before holding the enquiry and when the enquiry was fixed on 18-11-84 the Petitioner filed a Writ Petition No. 10122 of 1984 on the file of High Court of Madras claiming that he should be permitted to be

represented by a lawyer at the domestic enquiry. No interim orders were issued by the Court and the petition was subsequently withdrawn by the Petitioner. Since there were no orders on the petition filed by the employee, the enquiry was posted to 23-9-85. The Petitioner gave a telegram seeking postponement on the ground of his sickness. When the enquiry was postponed to 17-10-85, the Respondent/Bank was told that he had moved another W.P. No. 9967 of 1985 (WMP 15058 of 1985) and obtained orders of ex-parte interim injunction on 27-9-85 restraining the bank from holding enquiry. On an application made by Respondent/Bank in WMP 1284/86 for getting ex-parte interim injunction vacated, the Hon'ble High Court vacated the interim injunction on 11-2-86 and directed the bank that the enquiry would be conducted in accordance with known principles of law in which the Petitioner shall co-operate. However, they shall not be implemented until further orders. In further W.A. No. 410/86 (CMP 4890/86 and 11382/86) the High Court ordered that the bank shall complete the enquiry and when the order in disciplinary proceedings is ready, the bank shall mention the matter to be taken up. On 24-04-90 the Writ Appeal was disposed of by directing the disposal of W.P. No. 9967 of 1985 itself on 5-7-90. In the meanwhile, the Petitioner and withdrawn the W.P. No. 10122/84 on 24-3-94 filed against the charge sheet dated 18-12-78 as the Court directed to go on with the domestic enquiry and to inform the final orders to the Court. However, when the Writ Petition No. 9967/1985 came up for disposal only on 21-11-95 the Petitioner withdrew the Writ Petition. By that time, the Respondent/Bank had completed the enquiry. At the enquiry on the side of the management, as many as 8 witnesses were examined and the Petitioner examined on his side two witnesses including himself. On the management side 18 documents were marked and on the Petitioner side 3 documents were marked. The Petitioner was represented and assisted by Shri K. J. Arunachalam, Vice President of Indian Bank Employees Association at the enquiry. After analysing both oral and documentary evidence, the Enquiry Officer came to the conclusion that the charges levelled against the Petitioner were proved. It could not be alleged by any stretch of imagination that the Enquiry Officer's findings are either perverse or they are not fair and proper. The allegations as to lack of bona fide is emphatically denied and the findings of the Enquiry Officer are that of reasonable and prudent person. The explanation submitted by the Petitioner to show cause notice proposing punishment was without substance and contrary to the provisions of law. There had been no violation of principles of natural justice and the guilt of Petitioner was established at the enquiry held for the purpose. The technical rules of evidence are not applicable in domestic/departmental enquiry and acquittal by criminal court is not a bar for holding domestic/departmental enquiry. The degree of proof required is altogether different in the departmental enquiry from the degree of proof required in criminal proceedings. The veracity of the witnesses

examined at the departmental enquiry was found to be true. Documentary evidence produced together with oral evidence were adequate to prove the guilt of the Petitioner in accordance with the prescribed procedures for domestic enquiries. The misconduct of the employee/Petitioner was proved beyond reasonable doubt. In this context, it is to be stated that the Respondent/Bank reserved its right to proceed against the Petitioner departmentally as early as on 12-4-80. The departmental enquiry established the acts of misconduct committed by the Petitioner which were not consistent with his duties as a subordinate staff of the bank and are prejudicial to the interest of the bank. He had misused his proximity/access to bank's records and misappropriated money from customer's account by forging the signatures of the customer and the accountant of the bank. Thus, the Petitioner failed to infuse the confidence in the bank. By his acts of misconduct he was rightly found guilty of the gross act of misconduct specified in Clause 19.5(j) of Bipartite Settlement dated 19-10-66. He was found guilty of forgery and misappropriation of money from the bank. It is not correct on the part of the Petitioner to allege that since he was acquitted by criminal appellate court, the bank has no jurisdiction to proceed against the Petitioner departmentally against the Petitioner. The acts of misconduct proved against the Petitioner are very serious and grave in nature and punishment of terminating the Petitioner from service for the acts of misconduct committed by him is appropriate, proper and just and calls for no interference especially when the Respondent is a banking institution. There is lack of integrity on the part of the Petitioner and his continuance in financial institution of the Respondent/Bank dealing with public money is not desirable. In the unlikely event of this Hon'ble Court finding the departmental proceedings held by Respondent/Bank against the Petitioner to be not fair and proper, the Respondent/Bank craves leave of this Hon'ble Court to permit them to lead evidence on the merits of the case. Hence, it is prayed that this Hon'ble Court may be pleased to reject the reference and dismiss the claim of the Petitioner.

4. When the matter was taken up for enquiry, no one has been examined as a witness on either side. With the consent of the learned counsel on either side, documents filed on either side have been marked as Ex. W1 to W8 and M1 to M9 respectively. Learned counsel for the Petitioner has advanced his arguments and the learned counsel for the II Party/Management has filed his written arguments.

5. The point for my consideration is—

“Whether the management of Indian Bank is justified in terminating the services of Sri B. Anandan w.e.f. 22-05-1996 and if not, to what relief the workman is entitled?”

Point —

This industrial dispute has been raised by the I Party/ Workman Sri B. Anandan challenging the action of the

II Party/Management of Indian Bank in dismissing him from service w.e.f. 22-5-96 as unjustified. It is admitted that the Petitioner was suspended from service by the Respondent/Management on 1-7-76 pending disciplinary action for the alleged misconduct committed by him. A show cause notice dated 26-7-76 was issued to him for the alleged misconduct and the Petitioner/Workman was directed to submit his reply within ten days from the date of receipt of that show cause notice. The xerox copy of the same is Ex. W1. The Manager of the Villupuram Branch of the Respondent/Bank has preferred a police complaint dated 1-7-76. The xerox copy of the same is Ex. M1. For the show cause notice under Ex. W1, the Petitioner has submitted his written reply dated 9-10-76. The xerox copy of the same is Ex. W2. As the Respondent/Management has found that explanation of the Petitioner not satisfactory, a charge sheet dated 18-12-78 was issued to the Petitioner. The xerox copy of the same is Ex. M2. It is the contention of the Respondent/Management that on 1-7-76 at the Villupuram Branch, at the time of closing of account around 3.30 p.m. it was found that there was a shortage of Rs. 5000 in the cash handling section and that on verification it was found out that the shortage was due to the non-entering of a S.B. Pay Order for Rs. 5000 in the token register which was entered in the ruff cash book and that on identifying this the signature of the drawer of the instrument i.e. Sri P. Subramaniam was found not tallying with that of the specimen signature and further there was no entry in the ledger and there was no sufficient funds in his S.B. account and as such, a statement was obtained from the Payment Cashier Sri T. Muthukrishnan and that after obtaining instructions from the Head Office, the cash was closed and a complaint was preferred to the police by the Manager, Villupuram Branch for further investigation in the matter. The xerox copy of that police complaint is Ex. M1. It is further contended by the Respondent/Bank that the bank came to know that the Petitioner Sri B. Anandan forged the signature of Sri P. Subramaniam holder of S.B. Account No. 4235 with Villupuram Branch on a Pay Order for Rs. 5000 and handed over the same to his brother Sri B. Sanjeevi who endorsed on the reverse of the pay order as Arumugam and that the Petitioner issued a token bearing No. 552 which was handed over to him for re-issue in the S.B. Account counter by the clerk/shroff Sri A.R. Abdul Rahim and that the Petitioner entered the token number on the Pay Order and also folio No. 9/42B5 as if the Pay Order had been debited in the ledger and the Petitioner had put the 'Pay Cash' stamp on the pay order and forged the signature of the Accountant in the space provided for passing the instrument, as if the Pay Order had been passed for payment and that he kept that pay order in the token register along with other genuine pay order/cheques and took it to the cash counter and placed it in the usual place one Sri B. Sanjeevi, brother of Sri B. Anandan has received the cash payment of Rs. 5000 for the forged pay order, it is further contended that the Villupuram Town Police Station took up investigation by

registering the case under Section 468 and 420 of IPC on the complaint made by the Branch Manager and the Sub-Inspector visited the address mentioned in the back side of the Pay Order for Rs. 5000 relating to S.B. Account No. 4235 of Sri P. Subramaniam and found that there was no one called B. Arumugam and after enquiry and investigation, the Sub-Inspector of Police arrested the Petitioner Mr. Anandan at 10.30 A.M. on 7-7-76 in front of the Villupuram Branch and interrogated him in the Manager's cabin and during that time, the Petitioner voluntarily confessed about the commission of his offence and the Sub-Inspector of Police after recording the confession statement effected the seizure of the amount under a Magazar and had arrested Mr. Sanjeevi, the brother of the Petitioner, who had also accepted for abetting the Petitioner for committing of that offence and that under such circumstances, show cause notice under Ex. W1 was issued to the Petitioner and since the documents and other materials were with the police, who were investigating into the offence, the departmental proceedings could not be initiated immediately. All these things are not disputed by the Petitioner. It is also admitted that the charge sheet has been filed by the police after investigation before the Sub Divisional Judicial Magistrate Court, Villupuram and the case was taken on file as C.C. No. 343 of 1979 under Section 468 and 420 IPC and in that case the Sub Divisional Judicial Magistrate has given a judgement dated 8-2-1980 and had convicted the Petitioner and his brother as charges levelled against them have been proved. The xerox copy of that criminal court judgement is Ex. M3. On the basis of that criminal court judgement, the Respondent/Bank management terminated the Petitioner from service by an order dated 12-4-1980 stating that his services in the bank stand terminated w.e.f. 8-2-1980 the date of the judgement of the Criminal Court. Subsequently, the Petitioner has preferred an appeal against the criminal court judgement as Criminal Appeal No. 84/1980 before the Sessions Judge, Cuddalore. In that criminal appeal, the Sessions Court was pleased to allow the appeal and acquitted the Petitioner and another. The xerox copy of that judgement dated 20-4-82 is Ex. W3. Subsequently, the Respondent/Bank management has passed an order dated 21-10-82 stating that in view of the acquittal by the Appellate Court, a status quo was restored and the order dated 12-4-80 terminating the Petitioner from service was withdrawn and in the result the Petitioner was deemed to be in the service of the bank from 8-2-1980. The xerox copy of that order is Ex. M4. In the earlier order dated 12-4-1980 passed by the Disciplinary Authority against the Petitioner for dismissing him from service, it is stated that the order was issued to him without prejudice to the right of the bank to hold the enquiry against him in respect of the charge sheet, if and when the same is necessitated at a future date. It is also not disputed that the Respondent/Bank Management took disciplinary action by conducting the domestic enquiry into the charges levelled against him. It is further contended by the

Respondent/Management that the Petitioner filed a Writ of Mandamums in the High Court of Madras for a direction to the Respondent/Bank for reinstate him in service and the same was dismissed on 24-12-94 and that again the Petitioner filed another W.P. No. 9969 of 1985 and obtained ex-parte interim injunction from holding the domestic enquiry and the same was subsequently withdrawn by him on 21-11-1995 and that the Respondent/Bank filed W.M.P. No. 1284/1986 and obtained an order on 11-2-86 vacating the injunction and got a direction from the High Court to hold the departmental enquiry without implementing the results of the enquiry until further orders from the High Court and as per the direction of the High Court, the Petitioner was paid full salary w.e.f. 1-3-1986. All these things have not been disputed by the Petitioner. Though the Petitioner was acquitted in the criminal appeal by Sessions Court, the Respondent/Bank holding a departmental enquiry against the Petitioner was not barred by the High Court in the Writ Petitions. The domestic enquiry was conducted. The Petitioner as charge sheeted employee has taken part in that proceedings along with his defence assistant Vice-President of IBEA, Madras. The xerox copy of that entire enquiry proceedings is Ex.M5. On conclusion of the enquiry, the Enquiry Officer has given his report with his findings dated 30-6-87. The xerox copy of the same is Ex. M7. Then the Petitioner was issued a 2nd show cause notice dated 19-3-96. The xerox copy of the same is Ex. W4. In that the Disciplinary Authority has proposed the punishment to be imposed. The Petitioner has submitted his explanation to the 2nd show cause notice, it is dated 15-4-1996. The xerox copy of the same is Ex. W5. After affording a personal hearing regarding the proposed punishment and after hearing the Petitioner and after considering the entire materials, the Disciplinary Authority has passed the final order dated 22-5-96 imposing the punishment of termination of service with three months pay and allowances. The xerox copy of that order is Ex. W6. Then the Petitioner has preferred an appeal to the General Manager of the Respondent/Bank dated 5-7-96. The xerox copy of the same is Ex. W7. The Petitioner has submitted his written representation also apart from his personal representation in the personal hearing before the Appellate Authority. The xerox copy of the said written representation dated 18-12-96 of the Petitioner to the Appellate Authority is Ex. W8. Then the Appellate Authority has passed an order confirming the punishment awarded by the Disciplinary Authority. The xerox copy of the order dated 11-1-97 is Ex. M6. Ex. M7 is the xerox copy of the confession statement of the Petitioner dated 7-7-1976 and the Ex. M9 is the xerox copy of the Magazar dated 7-7-1976 recorded by the police during the investigation of criminal case C.C. No. 343/79. All these things have not been disputed by the Petitioner.

6. The learned counsel for the Petitioner would argue that the evidence that has been rejected by the criminal

court has been subsequently relied upon by the Enquiry Officer in the domestic enquiry. So it amounts to a total non-application of mind on the findings of criminal court. So, the action of the Respondent/Bank Management Disciplinary Authority, relying on the findings of the Enquiry Officer in awarding punishment to the concerned workman is not bona fide. The Enquiry Officer cannot sit over the judgement of the evidence rejected by the Criminal Court and cannot give a different finding and one Ramachandran, a new witness examined before the Enquiry Officer was not cited and examined before the Criminal Court and the original complainant and the accountholder have not been examined and one Sri P. Subramanian who is a material witness, and who is really aggrieved person has not been examined and the Enquiry Officer cannot say that he cannot consider the criminal court findings. So, the findings of the Enquiry Officer is perverse and the Disciplinary Authority ought not to have relied upon the findings to impose punishment on the Petitioner/Workman. Hence, this Hon'ble Tribunal has got powers under section 11A of Industrial Disputes Act, 1947 to appraise the evidence afresh and is at liberty to differ from the findings of the Enquiry Officer in the domestic enquiry. Hence, it must be held that the findings of Enquiry Officer is incorrect and consequently, the action of the Disciplinary Authority in accepting the findings and awarding the punishment of dismissal of Petitioner from service is unjustified.

7. A perusal of the enquiry proceedings Ex. M5 clearly shows that the Petitioner has been given full opportunity to defend his case effectively and he has availed that opportunity fully duly represented by a defence representative, who is the Vice-President of IBEA, Madras. The Petitioner also has not challenged the validity of the domestic enquiry. The Enquiry Officer after analysing the entire oral and documentary evidence placed before him has come to the conclusion that the charges have been proved against the Petitioner charge sheeted employee, Sri Anandan. The proved charges are very serious in nature and the acts of misconduct committed by the Petitioner are unbecoming of an employee of a financial institution like the Respondent/Bank, as contended by the learned counsel for the Respondent/Management. It is evident from the judgement of the Sessions Court in the Criminal Appeal, that the Court does not choose to place reliance on the confession statement. That cannot be taken as a factor for discrediting the findings of the Enquiry Officer in the domestic enquiry. The standard of proof required before the criminal court for establishing the charge levelled against the case for the prosecuting agency is quite different from the standard of proof to be established by the management against the charge sheeted employee in respect of the charges levelled against him in the charge memo. In the departmental enquiry a witness has given evidence about the report of Handwriting Expert and it has been established before the Enquiry Officer that the

signature found in the Pay Order was not that of Sri P. Subramanian and his signature was forged by the Petitioner/Workman, the chargesheeted employee Mr. Anandan. It is also the admission of the chargesheeted employee before the domestic enquiry that the forensic expert has given evidence before the criminal court that the signature of Sri P. Subramanian not tallied but found to be tallied with the writing of Anandan. It is also in evidence that one signature as V. Arumugam of a non-existing person has been forged by the brother of the Petitioner. A perusal of the entire enquiry proceedings clearly shows that there are ample evidence to show that the Petitioner charge-sheeted employee and his brother had committed forgery. So it was not necessitated before the Enquiry Officer to examine the account holder Sri P. Subramanian to say that his signature has been forged. By evidence of the witnesses and the documents relied upon by the management before the Enquiry Officer, the part played by the Petitioner in misappropriating sum of Rs. 5000 has been satisfactorily established. The evidence available before the Enquiry Officer not only established that Petitioner has forged the signature of the accountholder and the Accountant while bringing into existence a fake Pay Order in favour of a non-existing person V. Arumugam, but also made his brother to sign as V. Arumugam. It is seen from the Enquiry Officer's findings that he had considered the evidence of each and every witness examined before him and after due analysis and after giving cogent reasons for believing the evidence of the management witnesses and disbelieving the evidence on the side of the Petitioner and has arrived at the conclusion that the charges levelled against the Petitioner charge sheeted employee, have been proved. There is sufficient evidence before the Enquiry Officer on the side of the management to prove the guilt of the charge sheeted employee the Petitioner Sri B. Anandan. In the Sessions Court also, in the criminal appeal the Petitioner was acquitted on the ground that the evidence adduced by the prosecution against the accused is not sufficient to hold that the charge has been proved by the prosecution beyond all reasonable doubt. As it is held in a case reported as 1997 ILLJ 746 STATE OF RAJASTHAN AND B.K. MEENA AND ANOTHER by the Supreme Court that "*the approach and objective in criminal proceedings and departmental proceedings is altogether distinct and different. In the disciplinary proceedings the question whether the employee is guilty of such conduct as would merit his removal from service or a lesser punishment, as the case may be, whereas, in the criminal proceedings, the offences registered against him under Indian Penal Code are established and if established, what sentence should be imposed upon him. The standard of proof, the mode of enquiry, and the trial in both cases are distinct and different. In departmental proceedings, the standard of proof is one of preponderance of probabilities, on the other hand, in the criminal case, the charge has to be proved by the prosecution beyond all reasonable doubt.*"

In a case reported as AIR 1997 SC 1512 STATE OF HARYANA AND ANOTHER vs. RATTAN SINGH, the Hon'ble Supreme Court has held that "*it is well settled that in a domestic enquiry sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for the prudent mind are permissible. There is no allergy to hearsay evidence, provided it has reasonable nexus and credibility.*"

8. Insofar as the non-examination of the account holder Sri P. Subramanian commented by the learned counsel for the Petitioner, the learned counsel for the Respondent would argue that the Hon'ble Supreme Court itself has held in a case reported as AIR 2000 SC 3028 STATE BANK OF INDIA Vs. TARUNKUMAR BANERJEE that "*a customer of the bank need not be involved in a domestic enquiry conducted, as such a course would not be conducive to proper banker-customer relationship and therefore, would not be in the interest of the bank.*" So, the non-examination of the accountholder Sri P. Subramanian cannot be said to be a fatal to domestic enquiry. As contended by the learned counsel for the Respondent/Management clause 19.3 of the Bipartite Settlement empowers the Respondent/Management to initiate disciplinary proceedings against a delinquent employee, who is acquitted by the criminal court. So, even after acquittal on technical grounds by criminal court, the delinquent employee can be proceeded against in the departmental proceedings. In banking business absolute devotion, diligent integrity and honesty has to be preserved by every bank employee other wise, the confidence of public and depositors would be shaken. The acts of proved misconduct of the Petitioner are very serious and grave in nature and the punishment of terminating the Petitioner from service for the acts of such misconducts committed by him is appropriate and proper. Hence, it does not call for any interference of this Tribunal by exercising the provisions under section 11A of Industrial Disputes Act, 1947. Under such circumstances, it can be held that the action of the management of Indian Bank is justified in terminating the services of Sri B. Anandan w.e.f. 22-5-1996 is justified. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

9. In the result, an Award is passed holding that the concerned workman Sri B. Anandan is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 5th February, 2003).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Exhibited :—

For the I Party/Workman :—

Ex. No.	Date	Description
W1	26-07-76	Xerox copy of the show cause notice issued to Petitioner
W2	09-10-76	Xerox copy of the reply given by the Petitioner to show cause notice
W3	20-04-82	Xerox copy of the judgement in C.A.No. 84/1980
W4	19-03-96	Xerox copy of the 2nd show cause notice issued by Disciplinary Authority to Petitioner
W5	15-04-96	Xerox copy of the reply submitted by Petitioner to 2nd show cause notice
W6	22-05-96	Xerox copy of the order of the Respondent terminating the services of the Petitioner
W7	05-07-96	Xerox copy of the appeal preferred by Petitioner
W8	18-12-96	Xerox copy of the letter from Petitioner to General Manager

For the II Party/Management :—

Ex.No.	Date	Description
M1	01-07-76	Xerox copy of the complaint to police preferred by Respondent
M2	18-12-78	Xerox copy of the charge sheet issued to Petitioner
M3	08-02-80	Xerox copy of the judgement of Sub-divisional Judicial Magistrate
M4	21-10-82	Xerox copy of the order of Respondent revoking the order of termination and placing the Petitioner under suspension
M5	07-09-86	Xerox copy of the enquiry proceedings
M6	11-01-97	Xerox copy of the order of Appellate Authority
M7	30-06-87	Xerox copy of the findings of the Enquiry Officer
M8	07-07-76	Xerox copy of the confessional statement furnished by Petitioner
M9	07-07-76	Xerox copy of the Manager.

नई दिल्ली, 19 फरवरी, 2003

का. आ. 935.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, यूको बैंक के

प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 132/947) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-2-2003 को प्राप्त हुआ था।

[सं. एल-12012/146/94-आई आर (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 19th February, 2003

S.O. 935.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 132/94) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of UCO Bank and their workman, which was received by the Central Government on 19-2-2003.

[No. L-12012/146/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH**

Presiding officer :

SH. S. M. GOEL

Case No. I.D. 132/94

General Secretary,

UCO Bank Employees Union

C/o UCO Bank, The Mall, ShimlaApplicant

Vs.

Divisional Manager,

UCO Bank, Himland Hotel

Circular Road, Shimla

.....Respondent

REPRESENTATIVES:

For the Workman : Sh. R. P. Rana

For the Management : Sh. N. K. Zakhmi

AWARD

(Passed on 28-1-2003)

The Central Govt. Ministry of Labour vide Notification No. L-12012/146/94-I.R. (B. II) dated 11th October, 1994 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of UCO Bank, Shimla in discontinuing the practice of allowing officiating in higher cadre to Shri K. S. Parmar, Special Asstt. and stopping the payment of officiating allowance to him from 1-3-89 is justified? If not, what relief is the said workman entitled to?”

2. Sh. R. P. Rana states that he has no instructions. Today the case was fixed for filing of affidavit by the workman. No affidavit has been filed despite many opportunities to the workman. It appears that workman is not interested to pursue the present reference. In view of the above, the present reference is returned for want of prosecution. Central Govt. be informed.

Chandigarh

Dated : 28-1-2003.

S.M. GOEL, Presiding Officer

नई दिल्ली, 21 फरवरी, 2003

का. आ. 936.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम मंत्रालय, एर्नाकुलम के पंचाट (संदर्भ संख्या आई डी नं. 17/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-02-2003 को प्राप्त हुआ था।

[सं. एल-12012/89/2001-आई आर (बी-I)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st February, 2003

S.O. 936.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 17/2001) of the Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of State Bank of India and their workman, which was received by the Central Government on 20-02-2003.

[No. L-12012/89/2001-IR(B-I)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(In the Labour Court, Ernakulam)

Monday, the 13th day of January, 2003

PRESENT : Smt. N. Thulasi Bai, B.A. LLB.,
Presiding Officer

INDUSTRIAL DISPUTE NO. 17 of 2001 (Central)

Between

The Deputy General Manager, State Bank of India,
Shanmugham Road, Ernakulam, 680311

And

The workman of the above concern Sri T.C. Mony,
Thekkedathu House, Aryankkala P.O. Chalakkudi
Trichur-680307.

REPRESENTATIONS:

Sri K.J. Stanley, : For Management
Advocate,
Ernakulam.

Sri A.C. Devy, : For Workman
Advocate,
Ernakulam, Cochin-31.

AWARD

This Reference was made by the Central Government as per letter No. L-12012/89/2001/IR (B-1) dated 7-9-2001. The dispute is between the management of State Bank of India, Hyderabad and their workman Sri T.C. Mony. The dispute referred is :

“Whether the action of the Management of State Bank of India (Z.O.), Ernakulam in terminating the services of Shri T.C. Mony, Temporary Messenger, Meloor Branch Trichur District with effect from 31-3-1997 is just and legal ? If not to what relief the workman is entitled ?”

2. On receipt of notices issued from this court the workman and Management appeared through counsel. Thereafter the case was pending for filing claim statement by the workman. In spite of repeated chances the workman has not turned up to file the claim statement. Today when the case was called the workman and his counsel were absent and no claim statement was filed. Management's counsel was present. In view of the consecutive absence of the workman I am satisfied that the workman has not interested in prosecuting the dispute thereby it can be found that no dispute exists between the parties at present to be adjudicated by this court.

In the result, an award is passed finding that there exists no industrial dispute at present to be adjudicated by this court.

Ernakulam,

Dated : 13-1-2003. N. THULASI BAI, Presiding Officer

नई दिल्ली, 24 फरवरी, 2003

का. आ. 937.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-02-2003 को प्राप्त हुआ था।

[सं. एल-12012/374/95-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 24th February, 2003

नई दिल्ली, 24 फरवरी, 2003

S.O. 937.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Punjab National Bank and their workman, which was received by the Central Government on 21-02-2003.

[No. L-12012/374/95-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI

PRESIDING OFFICER : SHRI B. N. PANDEY

I.D. No. 22/97

Shri B. B. Pandey,
S/o Shri B. D. Pandey,
r/o 32, Charak Sadan,
Vikas Puri, New Delhi-18

C/o Shri V. K. Gupta,
13/17A, Tilak Nagar,
New Delhi.

.....Workman

VERSUS

Zonal Manager,
Punjab National Bank,
South Delhi Region,
Atma Ram House,
1, Tolstoy Marg,
New Delhi.

.....Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/374/95-I.R. (B-2) dated 9-1-97 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the Action of the Management of Punjab National Bank, New Delhi in terminating the services of Shri B. B. Pandey, Clerk-cum-Cashier by treating him voluntary retired is legal and justified? If not to what relief the said workman is entitled?”

2. Both the parties came to terms and filed a written terms of settlement dated 18-2-2003. The matter was taken up in the Lok Adalat and the parties accepted the terms of the written settlement. Hence the reference is decided in accordance with the terms of the settlement dated 18-2-2003 filed and accepted by the parties. The terms of the settlement dated 18-2-2003 shall form part of the award. Award is given accordingly.

Dated 20-2-2003: B. N. PANDEY, Presiding Officer

का. आ. 938.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-02-2003 को प्राप्त हुआ था।

[सं. एल-12012/44/96-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 24th February, 2003

S.O. 938.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Bank of India and their workman, which was received by the Central Government on 21-02-2003.

[No. L-12012/44/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI

(LOK ADALAT)

PRESIDING OFFICER : SHRI B. N. PANDEY

I.D. No. 56/97

Shri Vijay Pal Singh,
S/o Shri Ram Krishan,
r/o Village Pali,
District Ghaziabad,
Through Shri A. K. Marwah,
President, 59, G. T. Road,
Bank of India Staff Union,
Ghaziabad (U. P.)

.....Workman

VERSUS

The Regional Manager,
Bank of India,
Regional Office,
43, Navyug Market,
Ghaziabad (U. P.)

.....Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/44/96-I.R. (B-II) dated 8-5-97

has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the Action of the Management of Bank of India Ghaziabad in awarding punishment of stoppage of two increments with cumulative effect to Shri Vijay Pal Singh after acquittal of the workman by the Court in a criminal case for the same offence, is legal and justified ? If not, to what relief the said workman is entitled ?”

2. The dispute was raised by the Union represented by Shri A. K. Marwah, Deputy General Secretary now President of Bank of India Staff Union. Shri A. K. Marwah, President moved an application on 1-1-2003 coupled with the Death Certificate of the workman alleging that the workman died on 17-11-2002 and his legal representatives do not want to contest the case, and, therefore, the Union also does not press the claim. Shri A. K. Marwah, President of the Union has, therefore, prayed to drop the proceedings of the case. The application is, therefore, allowed. In terms of the application of the President of the Union ‘No Dispute award’ is given.

Dated 20-2-2003 B. N. PANDEY, Presiding Officer

नई दिल्ली, 18 फरवरी, 2003

का. आ. 939.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इण्डियन ऑयल कॉर्पोरेशन के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सखनऊ के पंचाट (संदर्भ संख्या 8/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-02-2003 को प्राप्त हुआ था।

[सं. एल-30012/78/97-आई आर (सी-1)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th February, 2003

S.O. 939.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2000) of the Central Government Industrial Tribunal, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Indian Oil Corporation and their workman, which was received by the Central Government on 17-02-2003.

[No. L-30012/78/97-IR (C-I)]

N. P. KESHVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, LUCKNOW

Present :

RUDRESH KUMAR, Presiding Officer

I.D. No. 8/2000

Ref. No. L-30012/78/97/IR (C-I) dated 3-1-2000

BETWEEN

The Secretary, Mathura Refinery Mazdoor Sangh, M.R. Nagar, Mathura-281006

AND

The Executive Director, Indian Oil Corporation,
Mathura Refinery, Mathura

AWARD

By order No. L-30012/78/97/IR (C-I) dated 3-1-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the Secretary, Mathura Refinery Mazdoor Sangh, M.R. Nagar, Mathura and the Executive Director, Indian Oil Corporation, Mathura Refinery, Mathura, for adjudication.

The reference under adjudication is reproduced :—

“Whether demand of the Mathura Refinery Mazdoor Sangh for Reinstatement and Regularisation of Phiran and 14 others contract workmen given in the list with benefit or continuity of service, Back wages and other consequential benefits from the Management of Indian Oil Corporation, Mathura Refinery, is just and proper ? If so, to what relief the concerned workmen are entitled and from what date ?”

2. This industrial dispute has been raised by the Secretary, Mathura Refinery Mazdoor Sangh, Mathura, seeking reinstatement and regularisation of Phiran and 14 others, viz. Phool Singh, Gope, Soni, Gianee, Dal Chand, Devi Singh, Nathi, Samanta, Babu Lal, Pammi, Phool Singh, Data Ram, Ram Bharosi and Angad, contract labourers with back wages and other consequential benefits, from the management of the Indian Oil Corporation, Mathura Refinery, Mathura. According to claim statement, the aforementioned workmen, were working under the Indian Oil Corporation, Mathura Refinery, Mathura and were attached with their store department. It is alleged that they have been working satisfactorily without any complaint with the management, against vacant and permanent nature of works. Indian Oil Corporation did not declare them permanent employee and treated them contractor's men on papers despite the fact that they were working directly under their control. Regardless of the fact, that the contractors were changed, they continued to work for more than 13 years. Because of malpractices, their attendance register, payment register, and other documents necessary under rules for the contractors, were not prepared. It is

further stated that the union entered into a contract with M/s. Gogi Enterprises on 28-6-93 for revising wages of the workmen. As a result, the workmen were deprived work w.e.f. 12-2-95 without any written order. Their representations dated 21-2-95, 9-3-95 and 10-3-95 remained unrecplied and so, this dispute was raised.

3. The workmen had worked continuously for 240 days and more so they are entitled to benefit under section 25-F of the I.D. Act, 1947. Their disengagement from service was clear defiance of the said provision, and the provisions of 25-H and G also.

4. It is stated by the union, that a W.P. 2876/85 was filed for regularisation of the contract labours before the Supreme Court. The Supreme Court, on 16-1-86 passed an order directing the Central Government to make reference. In compliance of the aforesaid direction of the Supreme Court, the Central Government made reference which was adjudicated in I.D. No. 40/86. Final award in this dispute was given on 15-9-89. This award covered all the contract labourers numbering 488. The said award was upheld in Civil Appeal No. 1430/90 by judgment dated 15-2-1991 reported in (1991) 2 Supreme Court Cases page 176. In short, the case of the workmen, is, that the contract is a camouflage and they had been working under the control and supervision of Indian Oil Corporation and on having worked 240 days or more in each year for over 13 years, they are entitled to regularisation. Termination of their services w.e.f. 12-2-95 is illegal and so, they are entitled to reinstatement with full wages and continuity in service etc.

5. The management of the Indian Oil Corporation has contested the claim, denying that 15 claimant were their employees. According to Indian Oil Corporation the workmen were engaged by a sub-contractor Babu Lal of M/s. Gogi Enterprises, Mathura. The contractor has not been made a party in the reference. The reference is thus, defective. The reference order is also defective for reason that specific dates of appointments, are not mentioned against the name of the individual workmen giving impression that each of them were working from 5-4-1981. The authority of Gopalji Gupta who signed the statement of claim, is, also challenged. On merit, the case of the management is that none of the claimants has worked under supervision and control of the management. No payments were made to these claimants by the Indian Oil Corporation. They were working for Gogi Enterprises, the contractor, and there was a genuine contract between Gogi Enterprises and Indian Oil Corporation, Mathura Refinery, Mathura. There was valid registration of such contractors under the Contract Labour (Regulation and Abolition) Act, 1970. In short, the management has denied master and servant relationship between the Indian Oil Corporation, Mathura Refinery, Mathura, and workmen. In para 7 of the written statement, which states that as per enquiry made by the

Indian Oil Corporation, Mathura Refinery, Mathura, it came to knowledge that M/s. Gogi Enterprises, a contractor, engaged on rate contract for material handling, had engaged Babu Lal one of the workmen, shown in the reference order, as a sub-contractor, and it was Babu Lal who had employed other workmen named in the annexure. It is denied that the contract system was a camouflage. The alleged agreement, dated 28-6-93, if any was in between the contractor and the union and had I.C.C. had no concern with any such agreement. The workmen had not impleaded contractor as a necessary party and is wrongly claiming relief from the Indian Oil Corporation. This position was also informed to the Regional Labour Commissioner (C) by letter dated 9-6-95 in reply to their letter dated 30-6-95 and 24-6-95. The management disowns responsibility of disengaging the workmen and further, any breach of law i.e. section 25-F of the I. D. Act, 1947 and other provisions.

6. It is further stated that this issue as whether the contract workmen were employees of the Mathura Refinery, came for decision before the CGIT, New Delhi and the Tribunal by award dated 15-9-1989, held that such workmen are not employees of the Indian Oil Corporation. This finding was upheld by the Supreme Court on 15-2-1991 in Civil Appeal No. 1430/90, and on this basis also, the workmen are not entitled to any relief.

7. Before adverting to discuss merit of the case, it appears appropriate to have close glance over the earlier order in I. D. No. 40/86 Ramesh and others Vs. Indian Oil Corporation, Mathura (U. P.) Reference was made in the said case on direction of the Supreme Court in W. P. No. 2867/85. The terms of reference were made for adjudication on issues set out by the Supreme Court as follow :—

- (i) Whether in law, the petitioner and the 48 workmen whose services have been terminated are employees of the Mathura Refinery, Mathura ?;
- (ii) Whether termination of services of the 48 workmen was justified ?; and
- (iii) to what relief, are the workmen entitled.

8. In compliance of the direction, the Central Government drew reference as given earlier and made over for adjudication, in I. D. No. 40/86. The findings recorded by the CGIT, New Delhi are reproduced :

“Till such time the Central Advisory Board makes its recommendations and action is taken, the management may ensure that the contract labour shall be paid at least the minimum of the pay scales of its regular employees performing the same or similar duties as the workmen of the contract labour and further that the workmen among the contract labour who have put in 5 years or more of work at the Mathura Refinery shall be continued to be

employed in the same work even if there is a change in the contractor and such workmen shall not be terminated except as a punishment inflicted by way of disciplinary action for misconduct etc., voluntary retirement or retirement on reaching the age of superannuation (which may be taken as the superannuation age for IOC employees) or on account of continuous ill-health. In AIR 1985 SC 409 *ibid*, it was observed as under :

6. Thus we see that no invidious distinction can be made against contract labour. Contract labour is entitled to the same wages, holidays, hours of work and conditions of service as are applicable to workmen directly employed by the principal employer of the establishment on the same or similar kind of work. They are entitled to recover their wages and their conditions of service in the same manner as workers employed by the principal employer under the appropriate Industrial and Labour Laws. If there is any dispute with regard to the type of work, the dispute has to be decided by the Chief Labour Commissioner (Central)."

It should give preference to these workmen in its employment by waiving the requirement of age and other qualifications wherever possible. It may also consider the creation of a benevolent fund for the contract labour wherein it may make a lump-sum contribution initially and then make equivalent or even more contribution to match the contribution made by the workmen of the contract labour. All these ameliorative steps by the Management, shall not be taken to mean that the contract labour has become the direct employees of the corporation.

9. This award was considered by the Supreme Court in Civil Appeal No. 1430/90 between Mathura Refinery Mazdoor Sangh through its Secretary Vs. Indian Oil Corporation which decided on 15-2-91. It was held :

"In the instant case before us, the contract labourers are not, and have also not been found to be, having a direct connection with the Refinery, even though it is a State for the purpose of enforcement of fundamental rights. The suggestions/directions given by the Tribunal, appear to us to be the only relief which was due to the appellant and its members in the given situation and circumstances. Therefore, the impugned Award of the Tribunal cannot be improved upon."

10. The Supreme Court did not accept contract labourers to be the employees of the Indian Oil Corporation but legitimatised ameliorative directions of the CGIT, New Delhi.

11. In the present case, the union has admitted that all the 15 workmen covered by reference were ~~petitioners~~ before the Supreme Court. These workmen were held not to be the employees of the Indian Oil Corporation. This finding has to be treated final. By this reference an attempt has been made by the union to review the said decision of the Tribunal affirmed by the Supreme Court, which is not permissible. One of the workman Phiran is not shown in the list but he will be governed by the principle laid down in the said case. Three of the workmen have died and no substitution was made by the union, and thus, no adjudication is possible against dead persons. In respect of the remaining workmen, it can be safely held that they are not employees of the Indian Oil Corporation, Mathura Refinery, Mathura.

12. The workmen were admittedly contractors labourers as shown in the reference. The statement of claim and evidence further state that the union treated these contractor labourers and entered into agreement with the contractor in 1993 for fair wages. This agreement is acknowledgement of the facts that the union all along treated the workmen as contractor's labourers and not employees of the Indian Oil Corporation. Both the witnesses examined by the Union stated that they had raised a dispute against M/s. Gogi Enterprises, which failed. The relief claimed against the principal employer is misconceived. As a result of earlier award in I. D. No. 40/86, only those labours having worked for five years were treated static labourers to be retained even if, the contractors were changed. The workmen did not question wrong implementation of the said award, claiming to be covered by the relief provided in the said award.

13. As regard, their case that they worked for more than 240 days and beneficial provision of Section 25-F are applicable in their case, it cannot said that the materials on record do not justify this claim. Firstly; they were contractors labourers and so, any breach cannot be fastened on the Indian Oil Corporation. Mere two oral statements for self and other labourers can not be accepted to be sufficient. The Secretary of the Union did not appear in evidence to prove these facts. Also, from the documents, the continuity in employment is not proved. The gate pass indicates their entries but does not indicate that they worked for alleged period. Thus, the workmen are not entitled to relief on this plea also.

14. Even if it be accepted, though not proved, that the Indian Oil Corporation, Mathura Refinery, Mathura was the principal employer, the workmen are not entitled to claim employment under it, as per the decision of the Supreme Court in Steel Authority of India Vs. National Union Water Front Workers & Others published in 2001(5) SCALE 626.

15. Accordingly the claim of the workmen fails. Reference is adjudicated against the workmen. They are not entitled to any relief.

16. Award as above

LUCKNOW

6-2-2003 RUDRESHKUMAR, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 940.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडस्ट्रियल फ्यूल कं. लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 281/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-20012/103/99-आई आर (सी-1)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 940.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 281/99) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Industrial Fuel Co. Ltd. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/103/99-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE No. 281 OF 1999

PARTIES:

The Employers in relation to the management of M/s. Industrial Fuel Co. Ltd. at Bhuli, Dhanbad and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 30th January, 2003.

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/103/99-IR(C-I), dated, the 16th July, 1999.

SCHEDULE

“क्या श्रीमति गीता देवी का दावा कि उन्होंने त्यागपत्र नहीं दिया है तथा इण्डस्ट्रियल फ्यूल के द्वारा उन्हें वर्ष 1991 से बर्खास्त किया गया है, सही है ? यदि हां तो क्या यह बर्खास्तगी न्यायोचित एवं विधिवत् है ? यदि नहीं तो कर्मकार किस राहत की पात्र है ?”

2. In this reference the concerned workman/union appeared and filed their W. S. Subsequently they absent before the tribunal. The management also did not take any step before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 27-7-1999 and since then it is pending for disposal. Registered notices were also issued to the workman side but has failed to turn up. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. Here it is clear that neither the concerned workman nor the management rendered any sort of cooperation to the Court for disposing of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No Dispute' Award when both the parties remain absent. There is also no scope to pass Award exparte. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the parties in spite of issuance of registered notices. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the parties but yielded no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 941.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 115/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/174/97-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 941.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 115/98) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of B.C.C.L. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/174/97-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 115 OF 1998

PARTIES:

Employers in relation to the management of Kustore
Area No. VIII of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None.

On behalf of the employers : Shri D. K. Verma,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 30th January, 2003.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/174/97-IR(C-I), dated the 24th April, 1998.

SCHEDULE

“Whether the denial of employment of the management to the dependent of Smt. Ful Kumari Bhuini, Ex-Wagon Loader who superannuated under para 9.4.3 of NCWA is justified? If not, so whether the dependent has a right under para 9.4.3 of NCWA-IV to get employment?”

2. The case of the concerned workman according to W. S. submitted by the sponsoring Union on her behalf in brief is as follows:—

The sponsoring Union submitted that the concerned workman Ful Kumari Bhuini was a permanent wagon loader of R. O. C. P/South Jharia under the management. They submitted that the concerned workman was declared medically unfit for employment by the Apex Medical Board on 3-4-89 in view of her medical test. Accordingly, relying on the medical report of the concerned workman issued by the Apex Medical Board management vide letter No. ROCP/20/89/281 dt. 30-4-98 stopped her from work as she was unfit for employment. In view of the termination from service she submitted application for employment of her son Rajendra Bhuiya as per clause 9.4.3 of N.C.W.A.-IV before the management along with all relevant papers. But the management did not consider her prayer. They submitted that Rajendra Bhuiya being her dependent son was very much entitled to get employment as per the provisions of N.C.W.A.-IV but the management did not provide any employment to him illegally, arbitrarily and violating the principle of natural justice. In the circumstances the sponsoring union raising an Industrial dispute have submitted their prayer to pass award directing the management to provide employment to Rajendra Bhuiya as per clause 9.4.3 of NCWA-IV.

3. Management on the contrary after filing W. S. cum-rejoinder have denied all the claims and allegations which the sponsoring union have asserted in their W. S.

Admitting the fact of discharging the concerned workman from service on the ground of medical unfitness declared by the Apex Medical Board on the examination submitted that she did not raise any dispute through any Union for providing employment of her dependent son when she was terminated from the service. As she submitted such application at a belated stage the same could not be considered for employment of her son. They further submitted that as per N.C.W.A.-IV there is no provision to give employment to the dependent of the workman where the service of the workman stopped on medical ground or he submits such prayer after his superannuation from service on attaining the age of 60 years, They further submitted that the claim for providing employment to the dependent son cannot be Considered as of right as it infringes the mandate of the constitution and also as the Hon'ble Apex Court already declared that provision of N.C.W.A. as ultravires. They further submitted that the

concerned workman had made an attempt prior to termination of her service under medical ground to get one person named Rajendra Bhuiya for his employment claiming him as her son under the then voluntary retirement scheme. During process it was observed that said Rajendra Bhuiya was not her son and he influenced her under certain consideration. Accordingly, at that time also her prayer to provide employment to Rajendra Bhuiya was rejected. They further submitted that the concerned workman had no dependent eligible son for employment even on compassionate ground taking into consideration of clause 9.4.3 of N.C.W.A.-IV and for which she never advanced any claim on behalf of any person for providing employment.

4. In view of the facts stated above management submitted that the concerned workman has no existing right to demand for employment of her dependent at any time on her own choice by claiming person as her son and for which they did not commit any illegality or took any arbitrary decision violating the principle of natural justice in rejecting her claim. The management accordingly submitted their prayer to pass Award rejecting the claim of the concerned workman.

5. The points to be decided in this reference are :—

“Whether the denial of employment by the management to the dependent of Smt. Ful Kumari Bhuini, Ex-Wagon loader who superannuated under para 9.4.3 of NCWA is justified? If not so, whether the dependent has a right under para 9.4.3 of NCWA-IV to get employment.”

6. Considering the record it transpires that the sponsoring Union on behalf of the concerned workman did not examine any witness in order to substantiate their claim. They instead of examining any witness relied on certain photo copies of the documents viz. service excerpt and a certificate issued by the P. S. concern. Management accordingly declined to adduce any evidence on their part.

7. Now considering the facts disclosed in the pleadings of both sides and also considering photo copies of the documents which the sponsoring Union relied on let us consider how far the claim of the concerned workman stands on cogent footing.

8. It is admitted fact that the concerned workman was a permanent wagon loader of R.O.C.P South Jharia under the management. It is also admitted fact that the concerned workman was declared medically unfit for further employment by the Apex Medical Board in view of her medical test held on 3-4-89. It is also admitted fact that in view of the report of the Apex Medical Board the service of the concerned workman was terminated by the management vide letter No. ROC/20/89/281 dt. 30-4-89.

9. It is the claim of the concerned workman that Rajendra Bhuiya is her son and he was dependent on him.

Accordingly after termination of her service on medical ground by the management she submitted application for employment of her dependent son Rajendra Bhuiya as per provision of 9.4.3 of NCWA-IV. Along with her application she submitted all relevant papers in support of her claim. She alleged that the management illegally, arbitrarily and violating the principles of natural justice and also without assigning any reason rejected her prayer.

10. The management on the contrary denying the claim of the concerned workman submitted that as the concerned workman at a belated stage submitted such application the same could not be considered. They submitted that such prayer also could not be considered as there is no provision as per clause 9.4.3 and that the management is liable to provide employment to the dependent son in case of the workman is declared medically unfit or if such claim comes after the superannuation from service on attaining the age of 60 years. Management also emphatically submitted that Rajendra Bhuiya is not the son of the concerned workman and a false and fabricated case has been made out only for the interest of his employment. They disclosed that previous to that incident the concerned workman in response to a call under voluntary retirement scheme submitted application for providing employment of Rajendra Bhuiya claiming him as her son. At that time in course of enquiry it exposed that said Rajendra Bhuiya was not her son and accordingly her claim was turned down. Accordingly onus rests on the concerned workman to refute the claim of the management. The concerned workman in support of her claim submitted two documents viz one photo copy of the service excerpt and one photo copy of a certificate issued by an officer of a Police Station. The photo copy of the service excerpts no doubt has disclosed the names of the dependants of the concerned workman wherein name of Rajendra Bhuiya also appears and shown as her dependent son. In some places of the service excerpts I find some interpolation. Naturally the concerned workman cannot avoid responsibility to explain the same in absence of production of original service excerpts. As such it is very much difficult to accept the same as authentic document in support of her claim that he is her son. The concerned workman had the scope to produce birth certificate, voter list, ration card or C.M.P.F. record to show that Rajendra Bhuiya is her son. The photo copy of the certificate issued by the Police Officer does not disclose the name and designation of the police officer to issue the same. Moreover such document cannot be considered as authentic document in support of such vital claim.

11. It is the specific claim of the management that before filing belated application the concerned workman also filed another petition under voluntary retirement scheme issued by them with a prayer for providing employment of Rajendra Bhuiya as her dependent son on accepting the resignation. Management submitted that in

course of process it exposed that the concerned workman had no son named Rajendra Bhuiya and accordingly her prayer was turned down. In view of the facts and circumstances disclosed above it is clear that the concerned workman has failed to produce any authentic document to show that Rajendra Bhuiya is her son. The record shows clearly that ample opportunities had been given to the concerned workman to establish her claim but I find no hesitation to say that neither the sponsoring union nor the concerned workman could be able to establish her claim. The photo copies of the documents referred to above which the sponsoring union relied on cannot be considered as authentic document for acceptance and for which there is no scope to give any importance to the same.

12. Accordingly, after careful consideration of all the facts and circumstances I hold that the sponsoring Union has lamentably failed to establish the claim in question and for which I hold that the concerned workman is not entitled to get any relief according to her prayer.

In the result, the following Award is rendered :—

“The denial of employment by the management to the dependent of Smt. Ful Kumari Bhuini, Ex-Wagon Loader who superannuated under para 9.4.3 of NCWA is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 942—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 85/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/681/97-आई आर (सी-I)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 942.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85/98) of the Central Government Industrial Tribunal-I, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of B.C.C.L. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/681/97-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

REFERENE NO. 85 OF 1998

PARTIES :

Employers in relation to the management of Barora Coal Washery of M/s. B.C.C. Ltd.

AND

Their Workman

PRESENT :

Shri S. H. Kazmi, Presiding Officer.

APPEARANCES :

For the Employers : Shri R. N. Ganguly, Advocate.

For the Workman : Shri B. N. Singh, General Secretary, National Coal Workers Congress.

State : Jharkhand

Industry : Coal.

Dated, the 6th February, 2003

AWARD

By Order No.-L-20012/681/97-I.R. (C-I) dated the 10th September, 1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Barora Coal Washery of M/s. BCCL to not to give the employment under the VRS(F) to the dependent son of Smt. Sugiya Kamin is legal and justified? If not, to what relief the dependant of the workman is entitled?”

2. Precisely, the case of the concerned workman is that the management of M/s. B.C.C. Ltd. introduced Special Voluntary Retirement Scheme for female employees working in BCCL, which prescribed the upper age limit of 58 years and below the same for female employees for submission of application to opt for voluntary retirement by submission of resignation to give employment to her dependent son. It has been said that the said scheme remained in operation from April, 1995 to September, 1995 and the same was brought in operation by the management in order to rationalise/improve the manpower structure against actual requirement and for generating productive labour force by eliminating such female employees from employment of BCCL who were not gainfully employed. Further it is said that in pursuance of the said scheme, the concerned workman, Smt. Sugiya Kamin opted for voluntary retirement by submitting her resignation vide her application dated 14-6-95 and simultaneously requested the management vide

the said application to give employment to her dependant son, Ram Janam Nonia in lieu of her by accepting her resignation. The said application alongwith the enclosures were received by the management as is evident from the letter dated 30-7-1995 of the Project Officer of Barora Coal Washery. Further it has been said that notwithstanding the fulfilment of conditions as per the scheme by the concerned workman, she was neither informed about the acceptance of her case nor was she informed about rejection of her case during the period of operation of the scheme. Hereafter when she found that several dependant sons of female employees opting for retirement under the above Scheme at the age round about 52 years to 57 years were given employment, the concerned workman approached the union to get her case taken up for raising industrial dispute on her behalf. The industrial dispute was accordingly raised before the A.L.C.(C), Dhanbad where due to adamant attitude of the management no conciliation could be made and subsequently the dispute was referred to this Tribunal by the appropriate Government for adjudication. Lastly, it has been said that the action of the management in denying employment to the dependant son of the concerned workman is illegal and unjustified and is in violation of the provisions of the Scheme in question. It is also said that the concerned workman has been subjected to discrimination violative of the Articles 14 and 16 of the Constitution of India. The relief has been sought for direction to the management for providing employment to the dependant son of the concerned workman with retrospective effect.

3. In the written statement filed on behalf of the management apart from raising the ground of maintainability of the instant reference, the stand has been taken that under National Coal Wage Agreement the question of giving employment to the dependant of a workman arises only in case the workman dies while in service or is disabled permanently while in service and since the concerned workman is still working in her own capacity and not disabled, her dependant son is not entitled to employment. It has been said that Special Voluntary Retirement Scheme for female employees was introduced on 12-4-1995 for a short period in order to rationalise/improve the manpower structure against the actual requirement in BCCL and for generating the productive labour force against such female employees who are not being gainfully employed. It is said that as per Clause 14(3) of the aforesaid Scheme any application for voluntary retirement can be rejected by the management and employment may not be given to the dependant without assigning any reason. It is further said that Smt. Sugiya Kamin, the concerned workman, submitted application under VRS(F) but her application was not accepted under the aforesaid clause of the scheme and it was the prerogative of the management to accept or not to accept the application submitted for the said purpose and many

such applications of female employees were rejected without assigning any reason. It is also said that the female employees can not claim this as a matter of right to accept application for voluntary retirement for the purpose of securing employment for their sons. Lastly, it has been said that the action of the management, as such, in denial of employment to the dependant son of the concerned workman is legal and justified and she is not entitled to any relief.

In its rejoinder also while denying or controverting several statements made in the workman's written statement, the management has reiterated its aforesaid stand.

The concerned workman also in her rejoinder to the management's written statement denied or controverted several averments or statements and reagitated the ground of injustice being meted out to her at the hands of the management and claimed the relief as prayed for.

4. From the respective stands of the parties, as indicated above, it is apparent that the main issue that requires consideration is whether the denial of benefit under the aforesaid Scheme to the concerned workman by the management can be held to be justified or not. The grant of any relief to the concerned workman would depend upon the finding arrived at upon the issue involved.

5. In support of their respective claim both sides have adduced evidence. On behalf of the management one witness has been examined but no any document has been filed whereas from the side of the workman one witness has been examined and several documents have also been filed which are marked Exts. W-1 to W-9.

6. It is not in dispute that the management of BCCL introduced Special Voluntary Retirement Scheme for permanent female employees in order to rationalise/improve the manpower structure against actual requirement in BCCL and for generating a productive labour force against such female employees who were not being gainfully employed. The provision was made in the said scheme for employment of major dependant son of the female employee in her place upon her voluntary retirement under the said scheme which initially was declared in operation from April, 1995 to September, 1995 and as per which upper age limit for submitting resignation was 58 years and below that. It is also not in dispute that during the period when the said scheme was very much in force the concerned lady being a permanent workman of BCCL and above 52 years of age but below 58 years as prescribed, opted for voluntary retirement under the said scheme by way of submitting application dated 14-6-95 alongwith necessary enclosures and requested for providing employment to her dependant son, Ram Janam Nonia, which application was later forwarded to the competent higher authority of the management by the Project Officer of Barora Coal Washery.

Further it is not in dispute rather stands admitted that despite such application being submitted before the management, at no point of time the concerned workman was informed and no any communication was ever sent to her by the management in respect of acceptance or rejection of the said application. It also stands undenied that in terms of the aforesaid scheme several female employees from time to time were allowed to retire voluntarily and were provided with the employment of their dependant son, in their place. Now the stand taken by the management as disclosed in its written statement as also pressed during the argument is that it was the prerogative of the management to accept or not to accept the application, under the Special Voluntary Retirement Scheme for females and the female employee cannot claim this as a matter of right for the purpose of securing employment of their sons. It has been contended that in Clause 14(3) of the said Scheme itself it is clearly specified that any application for voluntary retirement can be rejected by the management and the employment may not be given to the dependant without assigning any reason. Further the contention is that in case of the concerned workman her application was not accepted under the aforesaid clause of the Scheme and it was not necessary for the management to disclose the reason thereof.

Taking into account the totality of the facts and circumstances involved, I have no hesitation in observing at the very outset that the aforesaid stand taken on behalf of the management or submission put forward on its behalf is not only strange and unacceptable rather is completely devoid of any merit or substance.

It has not been disclosed anywhere in the written statement filed on behalf of the management nor the sole witness examined on behalf of the management (MW-1) has uttered anything during his evidence as to why the benefit under the said Scheme was not extended to the concerned lady and what, in fact, was the reason behind not extending the said benefit to her when she was quite eligible for applying for voluntary retirement under the said Scheme and why not even the communication was sent to her as regards the acceptance or rejection of her application. Further, there is no statement as to why she was discriminated against when the others on similar footing were extended the benefit and were provided with the employment of their dependant sons. Just by resorting to sub-clause (iii) of Clause 14 the management's assertion is that it was well within the discretion of the management and it was its sole prerogative to accept or reject such application and not to give employment to the dependant and for that no reason was necessary to be assigned. The aforesaid sub-clause as contained in the said scheme provides that any application can be rejected by the management and employment may not be given to the dependant without assigning any reason. It cannot be interpreted in such way so as to defeat the ends of justice

and further it cannot be gathered out of it that the management can proceed even arbitrarily just being governed by its whim or sweet will, leaving aside all the settled rules and norms or the principles of natural justice. Even if the aforesaid provision is read in the way as has been put forward on behalf of the management then also it does not contain or provide that in case of rejection of the application not even the communication would be sent to the workman concerned and it would not be obligatory on the part of the management at least to inform the concerned workman as regards the rejection of his/her application submitted under the aforesaid Scheme. By now it is well settled and the Hon'ble Supreme Court has emphasised it again in a recent decision that if an employee opts for voluntary retirement scheme, the employer cannot hold back the offer indefinitely. It further held that the management has the discretion to accept or reject a request from any employee for VRS but it did not mean that the management can abdicate its duty to act reasonably and fairly in exercise of its discretion.

As far as the present case is concerned very unhesitatingly it can be observed that the management has acted unreasonably and unfairly in exercising its discretion and it violated all the settled norms by not even communicating to the concerned lady about acceptance or rejection of her request. Due to such strange, undesirable and uncalled for conduct on the part of the management the concerned lady was made to continue with her service till her superannuation only recently and her dependant son remained unemployed despite the aforesaid beneficial scheme of the management. Several office orders and letters have been filed which are Exts. W-4, W-5, W-6, W-7 and W-8 to substantiate the fact that exactly on similar footing several other female employees of the management, some of whom were also working with the concerned lady were allowed to avail the benefit, under the said Scheme and were provided with the employment to their dependant sons from time to time and some of them have even been given such benefit in the years 1999 and 2000 also. The management's witness (MW-1) has also accepted during his evidence that altogether eight persons had applied alongwith the concerned workman for V.R.S. out of which applications of six were allowed. He has proved one document also (Ext. W-4) which is in respect of the acceptance of voluntary retirement of one co-workman, Bindia Kamin. In this context the workman's witness, WW-1 has also given the details and proved the document showing the acceptance of voluntary retirement of other female workmen and providing employment to their dependant sons. From the aforesaid documents filed and also from the evidence of the witnesses it is evident that the concerned lady was discriminated against and that too without any justifiable basis or assigning any reason whatsoever. When the aforesaid beneficial scheme was there which was quite in the interest of the workman and

the management both and when the benefit under the said Scheme was extended to several other female workers then it was just and proper for the management either to give same benefit to the concerned workman also within a reasonable period or to disclose the reason of non-acceptance or rejection of her application or even to communicate her on inform her about the rejection of claim, certainly the action of the management amounted to holding back the offer indefinitely. Even if the acceptance or rejection of such application is taken to be the prerogative or discretion of the management even then such discretion was required to be exercised fairly and reasonably and at least even communication was required to be sent to the concerned lady about the rejection of her application or about the rejection of offer extended by her.

Thus, in view of all the aforesaid it is difficult to hold the action of the management as justified and certainly the concerned lady deserves the relief as prayed for.

7. Though neither in the written statement nor during the evidence any such objection on behalf of the management has been raised but during argument for the first time it has been contended that the present reference is not maintainable in view of the fact that the concerned workman is not the member of the union which has sponsored the present dispute. In this regard the learned counsel has referred to a statement of WW-1 made by him during his cross-examination. He has said that his union (R.C.M.S.) has not raised this dispute and then has said that she (concerned lady) was a member of his union. Quite evidently this witness has only said that the concerned workman was the member of his union and has not said that still she is the member of his union (RCMS) or at the time of raising the dispute also she was the member of RCMS. He has clearly expressed his ignorance in the said matter by stating that he cannot say under which circumstances this dispute has been raised by another union. In short, the aforesaid objection being raised is devoid of substance.

Regarding maintainability of the instant reference further it has been contended that the present dispute is not connected with the employment or non-employment or terms of employment or condition of service in respect of the concerned lady and therefore it cannot form subject matter of an industrial dispute as defined in Sec. 2(k) of the Industrial Disputes Act, 1947. This argument is also devoid of substance. The counsel appearing on behalf of the management has failed to impress upon as to why the present nature of dispute which arises out of employment of the concerned workman and relates to a Scheme under which the concerned lady was to be provided with the benefit as contained therein, cannot be taken to be an industrial dispute for being adjudicated by the Tribunal or Court. By several judicial pronouncements also it has been settled that such nature of dispute is well within the ambit

of the provisions of the Industrial Disputes Act and can well be adjudicated by a Tribunal or Court.

8. In view of all that has been observed above, on the basis of materials on record, finally it can well be concluded that the action of the management cannot be held to be justified and the concerned workman deserves the relief as prayed for despite being no more in service as only recently she has retired.

9. The award is, thus, rendered as hereunder :

The action of the management of Barora Coal Washery of M/s. BCCL in not giving the employment under VRS(F) to the dependant of the concerned workman, Sugiya Kamin, is unjustified and she deserves relief as prayed for. Consequently, the management is hereby directed to provide employment to the dependent son of the concerned workman, namely, Ram Janam Nonia, subject to being found medically fit for the job, within sixty days from the date of publication of the award.

In the circumstances of the case, however, there would no order as to cost.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 943.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 70/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/112/98-आई आर (सी-1)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 943.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/99) of the Central Government Industrial Tribunal-II, Dhanbad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/112/98-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

REFERENCE NO. 70 OF 1999

PARTIES :

The Employers in relation to the management of Angrapathra Colliery of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Coal

Dhanbad, the 31st January, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/112/98-IR (C-I), dated the 27th January, 1999.

SCHEDULE

"Whether the action of the management of Angrapathra Colliery of M/s. BCCL in not providing employment on compassionate ground to Sri Hira Ram, the dependent of Sri Sahati Das, Ex-M/Loader under clause 9.4.3 of NCWA-IV, is justified? If not, to what relief Sri Hira Ram, dependent of Sri Sahati Das is entitled?"

2. In this reference the concerned workman/union appeared and filed their W. S. Subsequently they absent before the Tribunal. The management also did not take any step before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 12-2-99 and since then it is pending for disposal. Registered notices were also issued to the workman side but has failed to turn up. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. Here it is clear that neither the concerned workman nor the management rendered any sort of cooperation to the Court for disposing of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No Dispute' Award when both the parties remain absent. There is also no scope to pass Award ex parte. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will peruse the matter *suo motu* with the expectations for

appearance of the parties in spite of issuance of registered notices. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the parties but yielded no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 944—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भा.को.को. लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 89/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/57/98-आई आर (सी-I)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 944.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 89/99) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/57/98-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 89 OF 1999

PARTIES :

The Employers in relation to the management of Kusunda Area of M/s. B.C.C. Ltd. and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : Shri U.N. Lall,
Advocate
State : Jharkhand Industry : Coal.

Dhanbad, the 30th January, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/57/98-IR (C-I), dated the 29th January, 1999.

SCHEDULE

"Whether the action of the management of Kusunda Area of BCCL in not designating Sr. Jagdish Singh as Peon although he is performing almost similar work of a peon, as per order of the management after accident and as per advise of the medical officer is justified ? If not, to what relief is the workman entitled?"

2. In this reference neither the concerned workman nor his representative appeared before this Tribunal. However, only the management side made their appearance in it. It is seen from the record that the instant reference was received by this Tribunal on 12-2-1999 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman but inspite of the issuance of notices the workman side has failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass "No dispute" Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the court will pursue the matter *suo motu* with the expectations for appearance for the workman inspite of issuance of registered notice. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workman. These unions in

spite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit the same is closed.

B. BISWAS, Presiding Officer.

नई दिल्ली, 20 फरवरी, 2003

का. आ. 945—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी.सी.सी.एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 124/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/306/96-आई आर (सी I)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 945.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 124/97) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of B.C.C.L. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/306/96-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (No. 2) AT
DHANBAD
PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947.

REFERENE No. 124 OF 1997

PARTIES:

The Employers in relation to the management of
Barora Coal Washery of M/s. B.C.C.L. and their
workman.

APPEARANCES :

On behalf of the workman : None.
 On behalf of the employers : Shri R.N.Ganguly,
 Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 30th January, 2003.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/306/96-IR (C-I), dated the 7/10-11-97.

SCHEDULE

“Whether the claim of the union that the management had illegally denied employment to the dependent of Smt. Daulti Kamin under VRS(F) is legal and justified? If so, to what relief is the workman entitled?”

2. The case of the concerned workman according to the W.S. submitted by the sponsoring Union on her behalf in brief is as follows :

The sponsoring Union in their W.S. submitted that in response to the special voluntary scheme launched by the management amongst the female worker issued vide letter No. BCCL/GM(P)/PS-195-8188-2 dt. 12-4-95 the concerned workman Smt. Daulti Kamin submitted her resignation to the management for its acceptance with a view to get employment of her son who was dependent on her. They submitted that basic purpose behind the said scheme was to get rid of all those female employees who were not gainfully employed and to obtain their young dependent sons in employment in order to generate more productive force. They disclosed that the said scheme was in operation from April, 1995 to September, 1995 and upper age limit was fixed at 58 years. They submitted that the concerned workman was 56 years 4 months and 28 days on the date i.e. on 24-5-95 when she submitted her letter of resignation. At the time of tendering resignation she also submitted all relevant papers in support of her claim and also in support of the claim of employment of her dependent son. They alleged that in spite of fulfilling all the conditions the management ignored in giving employment of her dependent son and thereby deceived her from the lawful claim illegally, arbitrarily and violating the principle of natural justice. They alleged that as the management refused to give any employment to the dependant son of the workman they raised an industrial dispute for conciliation which ultimately resulted in reference to this Tribunal for award. Accordingly, they have prayed for passing an Award directing the management to offer employment to the dependent son of the concerned workman.

3. Management on the contrary after filling W.S. cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in their W.S. They submitted that a special voluntary retirement scheme for female employees was introduced on 12-4-95 for a short period in order to rationalise/improve the manpower structure against their actual requirement and for generating a productive labour force against such female employees who are not being gainfully employed. However, as per clause 14(3) of the aforesaid scheme right was reserved to reject any application without assigning any reason. They admitted that the concerned workman in response to that scheme submitted application for providing employment to her son under this scheme accepting the resignation but her such prayer was not considered because of the fact that as per para 6 of the Scheme they considered that the concerned workman could be employed gainfully for the interest of the management. Accordingly they submitted that question of committing any illegality or violation of any natural justice did not arise for non-acceptance of the resignation of the concerned workman from her service. They accordingly submitted their prayer to pass award rejecting the claim of the sponsoring Union.

4. The points to be decided in this reference are :

“Whether the claim of the union that the management had illegally denied employment to the dependent of Smt. Daulti Kamin under VRS(F) is legal and justified? If so, to what relief is the workman entitled?”

5. It transpires from the record that the sponsoring Union did not adduce any evidence on their part in order to substantiate the claim in question in spite of giving ample opportunities. The management accordingly, declined to adduce any evidence on their part.

6. Accordingly let us consider how far the claim of the concerned workman stands on cogent footing and if she is entitled to get relief according to her prayer.

7. Considering the pleadings of both sides there is no dispute to hold that the concerned workman was a permanent employee under the management. There is also no dispute to hold that management launched a special voluntary retirement scheme amongst the female workmen vide letter No. BCCL/GM(P)/PS/95-8188-2 dt. 12-4-95 with a view to attract them to opt that scheme. By the said scheme management decided to provide employment to one dependent son of the worker. It is the contention of the sponsoring union that being attracted by the said scheme the concerned workman submitted her application with a prayer for providing employment to her son after accepting her resignation. It has been disclosed that on the date of filing application she was 58 years 4 months and 28 days old though the upper age limit fixed by the management was 58 years. It has been further disclosed that along with her application she submitted all papers for

satisfaction of the management but the management without showing any reason rejected her prayer.

8. On the contrary from the submission of Learned Advocate for the management I find quite a different picture. Learned Advocate submitted that as per para 6 of the said scheme application from the female workers will be considered, whose performance was not gainful for the interest of the management. They further submitted that as per para 14 of the said scheme they reserved the right to reject any application without assigning any reason. Disclosing these facts the learned advocate submitted that as of right a workman cannot claim its benefit. The said scheme was launched to increase the productivity power of the management introducing new blood after eliminating the female workers whose service was not gainful for the interest of production. It has been submitted by him that the management did not accept resignation of the concerned workman taking into consideration that her service was gainful for the interest of production. In support of their claim the management relied on the scheme which was circulated amongst the female workers. The said scheme it appears was valid for a short period i.e. from 1st April, 1995 to September, 1995. In the said scheme it has been clearly mentioned that "in order to rationalise/improve the Manpower structure against the actual requirement in BCCL and for generating a productive labour force against such female employees who are not being gainfully employed, it has been decided to introduce a Voluntary retirement scheme for the female employees. Again para 14(iii) of the said scheme it has been clearly mentioned that any application can be rejected by the management and employment may not be given to the dependent without assigning any reason. It is therefore clear that option was with the management whether resignation submitted by the female workers will be accepted or not. There is no dispute to hold that the concerned workman along with her application submitted all relevant papers in support of her claim. There is also no dispute to hold that she was well within the age limit fixed by the management for filing application in response to the call in question. It has been submitted by the concerned workman that in spite of fulfilling all the conditions management neither accepted her resignation nor provided employment to her dependent son. She alleged that management illegally and arbitrarily violating the principle of natural justice deprived, her from her legitimate claim.

9. Here acceptance of resignation and provision for employment are co-related. Question of providing employment to the dependent son only will arise if the resignation is accepted by the management. It can be said that it was a contractual agreement in which the worker has given the authority to place his offer while acceptance of the offer rests with the management. It has been clearly pointed out by the management that such offer was given with a view to generating a productive labour force against

such female employees who are not being gainfully employed. The condition imposed is clear that authority was with the management to look into if retention of any female worker in the employment will be gainful in the interest of the production or not. It is therefore, clear that though option was open its acceptance was restricted. It is the contention of the management that they are not supposed to accept resignation of a female worker whose service is considered to be gainful for the interest of production. Taking this fact into consideration the management submitted that as the service of the concerned workman was gainful for the interest of production there was no scope on their part to accept her resignation. Accordingly as this resignation was not accepted question of giving employment to her dependent son did not arise.

10. It is seen from the record that ample opportunities were given to the sponsoring union to rebut the claim of the management but in spite of getting the same they have misused grossly. Considering the conditions laid down in the scheme there is sufficient scope to say that it was the discretion of the management if they will accept the resignation or not. Even as per para 14(iii) they were not supposed to assign any reason for non-acceptance of such resignation.

11. Accordingly after careful consideration of all the facts and circumstances I hold that the management neither committed any illegality nor took any arbitrary decision violating the principle of natural justice in rejecting the claim of the concerned workman.

Accordingly the concerned workman is not entitled to get any relief.

In the result the following award is rendered :—

"The claim of the Union that the management had illegally denied employment to the dependent of Smt. Daulti Kamin under VRS(F) is not legal and Justified. Consequently, she is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 946—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी.सी.सी.एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 95/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/251/98-आई आर (सी-1)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 946.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/99)

of the Central Government Industrial Tribunal II, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of B.C.C.L. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/251/98-IR(C-I)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 95 OF 1999

PARTIES:

Employers in relation to the management of Bhowra
(N) M.G. Mines of Ms. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None.

On behalf of the employers : None

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 29th January, 2003.

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/251/98-IR (C-I), dated the 28th January, 1999.

SCHEDULE

"Whether the action of the management of Bhowra (N) M.G. Mines of M/s. BCCL in not regularising Shri Chotalal Dusadh as Switch Board Attendant is justified ? If not, to what relief is the workman entitled to ?"

2. In this reference the workman side though appeared and filed W.S. subsequently did not consider necessary to appear. The management also did not appear in this reference before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 12-2-99 and since then it is pending for disposal. Registered notices and show cause notices were issued to both the workman as well as the management but in spite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will

arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any WS and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S./documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the court will pursue the matter suo moto with the expectations for appearance of the workman in spite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in questions on merit the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 947—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी.सी.सी.एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 125/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/312/96-आई आर (सी-1)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 947.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 125/97)

of the Central Government Industrial Tribunal II, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of B.C.C.L. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/312/96-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947

REFERENE NO. 125 OF 1997

PARTIES:

Employers in relation to the management of Barora
Coal Washery of M/s B.C.C.L. and their workman.

APPEARANCES:

On behalf of the workman : None.

On behalf of the employers : Shri R.N.Ganguly,
Advocate.

State : Jharkhand Industry : Coal.

Dhanbad, the 31th January, 2003.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/312/96-IR (C-I), dated the 7/10-11-97.

SCHEDULE

"Whether the claims of the union that the management had illegally denied employment to the dependent of Smt. Panwa Kamin under VRS(F) is legal and justified? If so, to what relief is the workman entitled?"

2. The case of the concerned workman according to W.S. submitted by the sponsoring Union on her behalf in brief is as follows:

It has been submitted by the sponsoring Union that the concerned workman in response to special voluntary retirement scheme launched by the management vide letter No. BCCL GM(P)/PS/95-8188-288 dt. 12-4-95 submitted application on 29-5-95 for accepting her resignation from the service with further prayer for providing employment to her son who was dependent on her. In support of her claim along with her petition she furnished all relevant papers. They submitted that the said scheme was in force

from April, 1995, to September, 1995. At that time of submitting the said petition she was 55 years four months and 28 days old. Which was far below the maximum age fixed under the said scheme. They alleged that inspite of furnishing all requisite documents and inspite of her genuine claim the management illegally and arbitrarily violating the principles of natural justice rejected her claim. They further alleged that action of the management in denying employment to the dependent son of the concerned workman after receipt of the resignation and finding all papers in order amounted to deceitful act of the management with the concerned workman and to coal industry contrary to spirit of the scheme which was meant for generating man productive male force in employment by weeding out not gainfully employed female productive force in employment. Accordingly the concerned workman raised an industrial dispute for conciliation which ultimately resulted reference to this Tribunal for award. The sponsoring union in view of the facts and circumstances stated above submitted their prayer to pass an Award directing the management to give employment to the dependent son of the concerned workman.

3. The management on the contrary after filing W.S. cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their W.S. They submitted that a special voluntary retirement scheme for female employees was introduced on 12-4-95 for a short period in order to rationalise/improve the manpower structure against their actual requirement and for generating a productive labour force against such female employees who are not being gainfully employed. However, as per clause 14(3) of the aforesaid scheme right was reserved to reject any application without assigning any reason. They admitted that the concerned workman in response to that scheme submitted application for providing employment to her son under scheme accepting the resignation but her such prayer was not considered because of the fact that as para 6 of the scheme they considered that the concerned workman could be employed gainfully for the interest of the management. Accordingly they submitted that question of committing any illegality or violation of any natural justice did not arise for non-acceptance of the resignation of the concerned workman from her service. They accordingly submitted their prayer to pass award rejecting the claim of the sponsoring union

4. The points to be decided in this reference are:—

"Whether the claim of the union that the management had illegally denied employment to the dependent of Smt. Panwa Kamin under VRS(F) is legal and justified? If so, to what relief is the workman entitled?"

5. It transpires from the record that the sponsoring union did not adduce any evidence on their part in order to

substantiate the claim in question inspite of giving ample opportunities. The management accordingly, declined to adduce any evidence on their part.

6. Accordingly let us consider how far the claim of the concerned workman stands on cogent footing and if she is entitled to get relief according to her prayer.

7. Considering the pleadings of both sides there is no dispute to hold that the concerned workman was a permanent employee under the management. There is also no dispute to hold that management launched a special voluntary retirement scheme amongst the female vide letter No. BCCL/GM(P)/PS/95-8188-2 dt. 12-4-95 with a view to attract them to opt that scheme. By the said scheme management decided to provide employment to one dependent son of the worker. It is the contention of the sponsoring union that being attracted by the said scheme the concerned workman submitted her application with a prayer for providing employment to her son after accepting her resignation. It has been disclosed on the date of filing application she was 55 years 4 months and 28 days old though the upper age limit fixed by the management was 58 years. It has been further disclosed that along with her application she submitted all papers for satisfaction of the management but the management without showing any reason rejected her prayer.

8. On the contrary from the submission of Learned Advocate for the management I find quite a different picture. Learned Advocate submitted that as per para 6 of the said scheme application from the female will be considered, whose performance was not gainful for the interest of the management. They further submitted that as per para 14 of the said scheme they reserved the right to reject any application without assigning any reason. Disclosing these facts the learned Advocate submitted that as of right a workman cannot claim its benefit. The said scheme was launched to increase the productivity power of the management introducing new blood after eliminating the female workers whose service was not gainful for the interest of production. It has been submitted by him that the management did not accept resignation of the concerned workman taking into consideration that her service was gainful for the interest of production. In support of their claim the management relied on the scheme which was circulated amongst the female workers. The said scheme it appears was valid for a short period from 1st April, 1995 to September, 1995. In the said scheme it has been clearly mentioned that "in order to rationalise/improve the Manpower structure against the actual requirement in BCCL and for generating a productive labour force against such female employees who are not being gainfully employed, it has been decided to introduce a Voluntary retirement scheme for the female employees. Again para 14(iii) of the said scheme it has been clearly mentioned that any application can be rejected by the management and employment may not be given to the dependent without

assigning any reason. It is therefore clear option was with the management whether resignation submitted by the female workers will be accepted or not. There is no dispute to hold that the concerned workman along with her application submitted all relevant papers in support of her claim. There is also no dispute to hold that she was well within the age limit fixed by the management for filing application in response to the call in question. It has been submitted by the concerned workman that inspite of fulfilling all the conditions management neither accepted her resignation nor provided employment to her dependent son. She alleged that management illegally and arbitrarily violating the principle of natural justice deprived her from her legitimate claim.

9. Here acceptance of resignation and provision for employment are co-related. Question of providing employment to the dependent son only will arise if the resignation is accepted by the management. It can be said that it was a contractual agreement in which the worker has given the authority to place his offer while acceptance of the offer rests with the management. It has been clearly pointed out by the management that such offer was given with a view to generating a productive labour force against such female employees who are not being gainfully employed. The condition imposed is clear that authority was with the management to look into if retention of any female worker in the employment will be gainful in the interest of the production or not. It is therefore, clear that though option was open its acceptance was restricted. It is the contention of the management that they are not support to accept resignation of a female worker whose service is considered to be gainful for the interest of production. Taking this fact into consideration the management submitted that as the service of the concerned workman was gainful for the interest of production there was no scope on their part to accept her resignation. Accordingly as this resignation was not accepted question of giving employment to her dependent son did not arise.

10. It is seen from the record that ample opportunities were given to the sponsoring union to rebut the claim of the management but inspite of getting the same they have misused grossly. Considering the conditions laid down in the scheme there is sufficient scope to say that it was the discretion of the management if they will accept the resignation or not. Even as per para 14(iii) they were not supposed to assign any reason for non-acceptance of such resignation.

11. Accordingly after careful consideration of all the facts and circumstances I hold that the management neither committed any illegality nor took any arbitrary decision violating the principle of natural justice in rejecting the claim of the concerned workman.

Accordingly the concerned workman is not entitled to get any relief.

In the result, the following award is rendered :—

“The claim of the Union that the management had illegally denied employment to the dependent of Smt. Panwa Kamin under VRS(F) is not legal and Justified. Consequently, she is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 948.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 153/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/217/2000-आई आर (सी-I)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 948.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 153/2000) of the Central Government Industrial Tribunal-II, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of C.C.L. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/217/2000-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

REFERENE NO. 153 OF 2000

PARTIES:

Employers in relation to the management of Barkakana Area of M/s. C.C. Ltd. and there workman.

APPEARANCES:

On behalf of the Workman : None

On behalf of the Employers : None

State : Jharkhand

Industry : Coal

Dated. Dhanbad, the 31st January, 2003

ORDER

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of

the I.D. Act. 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/217/2000 (C-I) dated, the 18th October, 2000.

SCHEDULE

“Whether the demand of the union for regularisation of Sri Nakul Das as Looseman in Category-IV is proper and justified ? If so, to what relief is the concerned workman entitled and from what date ?”

2. In this reference neither the concerned workman nor his representative appeared before this Tribunal. The management also did not take any step before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 24.11.2000 and since then it is pending for disposal. Registered notices were also issued to both sides but they have failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. Here it is clear that neither the concerned workman nor the management rendered any sort of cooperation to the Court for disposing of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass ‘No. Dispute’ Award when both the parties remain absent. There is also no scope to pass Award ex parte. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectation for appearance of the parties inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any Industrial Dispute. The dispute are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the parties but yielded no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I also do not find any sufficient reason to drag on the case for indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 949.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 106/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-20012/35/98-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 949.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 106/99) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/35/98-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 106 OF 1999

PARTIES :

Employers in relation to the management of Topa Colliery of M/s. CCL and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 29th January, 2003.

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to

this Tribunal for adjudication vide their Order No. L-20012/35/98-IR(C-I), dated, the 29th January, 1999.

SCHEDULE

“Whether the action of the management of Topa Colliery of M/s. CCL in not correcting the date of appointment in respect of S/Sh. Bhupendra Rana, Dubraj Mahto, K.D. Singh, Sukhdeo Pandey, Bhim Prasad Singh, G.K. Acharya, Suresh Ojha and Ram Chandra Mahto, all Gr. I clerks is justified? If not, to what relief are the concerned workmen entitled?”

2. In this reference the workman side appeared and filed its W.S. The management also did not appear in this reference before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 12-2-99 and since then it is pending for disposal. Subsequently the concerned workman failed to appear accordingly. Registered notices and show cause notices were issued to both the workman side as well as the management but in spite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both parties remain absent. There is also no scope to answer the reference on merit in absence of any WS and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S./documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman in spite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices did not care to appear before the Court for the interest of the workman and as result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 950.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 190/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/707/97-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 950.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 190/1998) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/707/97-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 190 OF 1998

PARTIES :

Employers in relation to the management of Gopalichak Colliery of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Shri H. Nath,
Advocate

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 29th January, 2003.

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of

the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/707/97-(C-I), dated, the 10th September, 1998.

SCHEDULE

"Whether the action of the management of Gopalichak Colliery of M/s. BCCL in not referring Sri Anik Das, Trammer to the Medical Board for assessment of his age (although the name of Sri Das appeared at Sl. No. 15 of the list referred to Medical Board vide management letter No. PBA/AMO/Med/93/722 dated 22/23-12-93) is legal and justified? If not, to what relief the workman concerned is entitled?"

2. In this reference neither the concerned workman nor his representative appeared before this Tribunal. However, only the management side made their appearance in it. It is seen from the record that the instant reference was received by this Tribunal on 30-9-98 and since then it is pending for disposal. Registered notices were issued to the workman but inspite of issuance of notices the workman side has failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for year together the Court will pursue the matter suo moto with the expectations for appearance for the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workman. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows

clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 951.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 176/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-20012/447/98-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 951.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 176/99) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/447/98-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 176 OF 1999

PARTIES :

Employers in relation to the management of Ena Colliery of
M/s. B.C.C. Ltd. and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 29th January, 2003.

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this

Tribunal for adjudication vide their Order No. L-20012/447/98 (C-I), dated, the 5th April, 1999.

SCHEDULE

"Whether the action of the management of Ena Colliery of M/s. BCCL in terminating the service of Sh. Bara Arjun Bhuia, Ex-Badli Miner Loader is justified ? If not, what relief the concerned workmen is entitled to ?"

2. In this reference neither the concerned workmen nor his representative appeared before this Tribunal. The management also did not take any step before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 15-4-1999 and since then it is pending for disposal. Registered notice were also issued to both side but they have failed to turn up. In terms of Rule 10 B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of the dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. Here it is clear that neither the concerned workman nor the management rendered any sort of cooperation to the Court for disposing of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No Dispute' Award when both the parties remain absent. There is also no scope to pass Award *ex parte*. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectation for appearance of the parties in spite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial Dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices do not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the parties but yielded no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 952.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 167/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-20012/198/2000-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 952.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 167/2000) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/198/2000-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 167 OF 2000

PARTIES:

The Employers in relation to the management of Sijua Area of M/s. B.C.C.L and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Shri H. Nath,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 28th January, 2003.

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this

Tribunal for adjudication vide their Order No. L-20012/198/2000-(C-I), dated, the 18th October, 2000.

SCHEDULE

“Whether the action of the management of Loyabad Coke Plant of M/s. BCCL in not regularising Sri Raghubir Viswakarma in the post of Foreman Incharge Gr. “A” is justified ? If not, to what relief is the concerned workman entitled and from what date ?”

2. In this reference neither the concerned workman nor his representative appeared. However, the management side appeared through their authorised representative and filed W.S. in this reference. It appears from the record that the instant reference was received by this Tribunal on 3-8-2001 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman/union but inspite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for year together the Court will pursue the matter *suo moto* with the expectations for appearance for the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workman. These unions inspite of receiving notices did not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the court to dispose of the reference on merit but it depends on the co-operation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 953.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 81/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-20012/34/2000-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 953.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/2000) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of BCCL and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/34/2000-IR(C-1)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 81 OF 2000

PARTIES :

Employers in relation to the management of M/s. B.C.C.L.
and their workman.

APPEALANCES :

On behalf of the workman : None

On behalf of the employers : None.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 28th January, 2003.

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/34/2000-(C-1), dated. the 24th July, 2000.

SCHEDULE

“Whether the action of the Management of Katras Choitudih Colliery under Katras Area of M/s. BCCL in not regularising Smt. Dhanja Rajwarin and Smt. Purni Mahatain as Security Guards from 1992 is in order and justified ? If not, to what relief are the concerned workmen entitled and from what date ?”

2. In this reference neither the concerned workman/union appeared before this Tribunal nor took any steps. Management also did not appear in this reference. It is seen from the record that the instant reference was received by this Tribunal on 17-9-01 and since then it is pending for disposal. Registered notices and show-cause notices were issued to the workman side and the management but in spite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rule but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for year together the court will pursue the matter suo moto with the expectations for appearance for the workman in spite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices did not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinitely

period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 954.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 182/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20012/367/97-आई आर (सी-I)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 954.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 182/98) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/367/97-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 182 OF 1998

PARTIES :

Employers in relation to the Management of M/s. B.C.C.L.
and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Shri D. K. Verma,
Advocate

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 28th January, 2003.

ORDER

The Govt. of India, Ministry of Labour in exercise of
the powers conferred on them under Section 10(1)(d) of

the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/367/97/IR (Coal-I), dated, the 27th August, 1998.

SCHEDULE

"Whether the action of the Management of Patherdih Coal Washery of M/s. B.C.C.L in dismissing Sri Moti Lal Prasad, Ex-Driver w.e.f. 25-11-94 is justified ? If not, to what relief the workman is entitled to ?"

2. In this reference neither the concerned workman/union appeared before this Tribunal nor took any steps. Management side however appeared through their learned Advocate. It is seen from the record that the instant reference was received by this Tribunal on 21-9-98 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman side but in spite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for year together the Court will pursue the matter *suo moto* with the expectations for appearance of the workmen in spite of the issuance of registered notices. As per I.D. Act the workmen excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices did not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 955.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आयल एण्ड नैचुरल गैस को. लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 118/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2003 को प्राप्त हुआ था।

[सं. एल-20040/88/94-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 955.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 118/1996) of the Central Government Industrial Tribunal II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Oil and Natural Gas Co. Ltd. and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20040/88/94-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 118 OF 1996

PARTIES:

Employers in relation to the Management of Oil and Natural Gas Corporation Ltd., Dehradun and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Oil and Natural Gas

Dated, Dhanbad, the 28th January, 2003.

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of

the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20040/88/94-IR(Coal-I), dated, the 26th September, 1996.

SCHEDULE

“Whether the Union is justified in demanding that Shri Gainda Dass, Ex-Record Keeper was prematurely retired by management? If so, to what relief is Shri Gainda Dass entitled?”

2. In this reference neither the concerned workman nor his representative appeared. The management also did not appear in this reference. It is seen from the record that the instant reference was received by this Tribunal on 11-10-96 and since then it is pending for disposal. Registered notices and show cause notices were issued to the both sides but inspite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo motu* with the expectations for appearance for the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workmanside is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find

any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 956.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 130/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-20012/361/96-आई आर (सी-1)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 956.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 130/97) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 18-2-2003.

[No. L-20012/361/96-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 130 OF 1997

PARTIES :

Employers in relation to the management of Mohuda Ara
of M/s. B.C.C.L and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Shri H. Nath,
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 28th January, 2003

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/361/96-IR(Coal-I), dated, the 20th November, 1997.

SCHEDULE

"Whether the demand of the Union for the regularisation of the services of S/Shri Ruplal Mahato, Dipak Rajak as Cat. I Mazdoor in Time-rated job, protection of their Group wages with retrospective effect is justified ? If so to what relief are these workmen entitled ?"

2. In this reference the concerned workmen/union neither appeared nor took any steps. Only the management side appeared and filed their W.S. through their learned Advocate. It is seen from the record that the instant reference was received by this Tribunal on 28-11-97 and since then it is pending for disposal. Regd. notices and show cause notices were issued to the workman side but inspite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry of its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for year together the Court will pursue the matter *suo moto* with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D. Act the workmen excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workman. These unions inspite of receiving notices did not care to appear before the court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed, I consider that this uncalled for situation will persist. Definitely it is the duty of the court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite

period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 957.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 90/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-20012/479/97-आई आर (सी-I)]

एन पी केशवन, डैस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 957.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/98) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 18-2-2003.

[No. L-20012/479/97-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 90 OF 1998

PARTIES :

Employers in relation to the management of Jealgora Colliery of M/s. B.C.C.L. and their workman.

APPEARANCES :

On behalf of the workman : None
On behalf of the employers : Shri D. K. Verma,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 28th January, 2003

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/479/97-IR(Coal-I), dated, the 24th March, 1998.

SCHEDULE

"Whether the action of the management of Jealgora Colliery of M/s. BCCL in dismissing Sh. Taken Bhuia from the services of the company w.e.f. 11-2-1993 is justified ? If not, to what relief is the workman entitled ?"

2. In this reference neither the concerned workmen nor his representative appeared. However, the management appeared their authorised Advocate and filed W. S. in this reference. It is seen from the record that the instant reference was received by this Tribunal on 7-4-98 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman/union but inspite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I. D. Central Rules, 1957 submission of W. S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the Reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W. S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W. S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo motu* with the expectations for appearance of the workman inspite of issuance of registered notices. As per I. D. Act the workmen excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workmanside is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinitely

period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2003

का. आ. 958.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बी. सी. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 123/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-20012/247/98-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th February, 2003

S.O. 958.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 123/99) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 18-2-2003.

[No. L-20012/247/98-IR(C-I)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 123 OF 1999

PARTIES :

Employers in relation to the management of Bhowra
O. C. P. of M/s. B.C.C.L in Bhowra Area and their workmen.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Coal

Dhanbad, the 29th January, 2003

ORDER

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/247/98-IR(C-I), dated, the 29th January, 1999.

SCHEDULE

“Whether the action of the management of Bhowra O.C. P. of M/s. BCCL in dismissing Sh. Chandreshwar Singh, Dozer Operator from the services of the company w.e.f. 26-6-97 is justified ? If not, to what relief the concerned workman is entitled ?”

2. In this reference the workman-side though appeared and filed W. S. subsequently did not consider necessary to appear. The management also did not appear in this reference before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 12-2-1999 and since then it is pending for disposal. Registered notices and show cause notices were issued to both the workman-side and the management-side but in spite of the issuance of notices they failed to appear before this Tribunal. They also did not even respond to the notices issued by this Tribunal. In natural course the question will arise what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002 (94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W. S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W. S./documents such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo motu* with the expectations for appearance of the workman in spite of the issuance of registered notices. As per I. D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial disputes. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices did not care to appear before the Court for the interest of the workmen and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 6 मार्च, 2003

का. आ. 959.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, यूनियन बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 179/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-03 को प्राप्त हुआ था।

[सं. एल-12011/172/2001-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 6th March, 2003

S.O. 959.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 179/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the Union Bank of India and their workman, which was received by the Central Government on 18-2-2003.

[No. L-12011/172/2001-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

Shri Rudresh Kumar, Presiding Officer

I. D. No. 179/2001

Ref. No. L-12011/172/2001-IR(B-II) dated 10-12-2001

BETWEEN

Secretary, Union Bank Staff Association, C/o Union Bank of India, 24/53, Birhana Road, Kanpur-208001 (espousing cause of Brij Kishore Chaturvedi).

AND

Asst. General Manager, Union Bank of India, 117/H/240, Regional Office, Pandu Nagar, Kanpur-208001.

AWARD

By order No. L-12011/172/2001-IR (B-II) dated 10-12-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Secretary, Union Bank Staff Association, C/o Union Bank of India, 24/53, Birhana Road, Kanpur-208001 (espousing cause of Brij Kishore

Chaturvedi) and Asst. General Manager, Union Bank of India, 117/H/240, Regional Office, Pandu Nagar, Kanpur-208001 for adjudication.

The reference under adjudication is as under :

“Whether the action of the management of Union Bank of India in relation to their Assistant General Manager, Union Bank of India, Kanpur in not re-fixing the pay of Shri Brij Kishore Chaturvedi on his promotion from sub-staff cadre to Clerical Cadre and non-payment of the difference in salary is legal and justified? If not, what relief the concerned workman is entitled to?”

2. Initially, the claim was contested by the management. However, the parties resolved their differences and submitted settlement before the Tribunal and verified the same.

3. This settlement between the parties is without prejudice to their respective stand taken on their statement of claim and defence. The representative of the management clarified that this settlement should not be treated a precedence for other disputes in future. This apprehension is unnecessary as it is always open to the management to take independent view on merit of individual cases and form subjective opinion in such individual cases and no settlements including this one will take away its administrative prerogative.

4. In light of the settlement verified by the parties before this Tribunal, there remains no dispute to be adjudicated and as such, the award is passed in light of settlement which shall form part of this award. Furthermore, it is directed that the management shall ensure payment of arrears as agreed to without any interest within three months from the date of this award, failing which the workman will be entitled to interest @ 12% till date of actual payment.

5. Award as above. Let a copy of award be given to the parties free of cost.

Lucknow

21-1-2003

RUDRESH KUMAR, Presiding Officer

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

I. D. No. 179/2001

BETWEEN

Secretary, Union Bank Staff Association, C/o Union Bank of India, 24/53, Birhana Road, Kanpur-208001 (espousing cause of Brij Kishore Chaturvedi).

AND

Asst. General Manager, Union Bank of India, 117/H/240, Regional Office, Pandu Nagar, Kanpur-208001.

The representative union viz. Union Bank Staff Association through Shri Shyam Sunder Dixit, Joint Secretary of the said union assisted by Authorised

Representative Shri B. P. Saxena, and the Union Bank of India represented by Mr. S. N. Mehra, Manager (Personnel) assisted by Authorised Representative Mr. Gaurav Gunjan, discussed this pending dispute in between the parties and agreed on the following terms and conditions to be treated as final :

- (i) The management is agreed to refix the basic pay of the workman in terms of Staff Circular No. 3850 dated 11th April, 1992.
- (ii) That the management is agreed to pay arrears of salary payable to the workman consequence to this settlement. However, no arrears of Salary shall be payable prior to 01-04-92 as per the provision of Staff Circular No. 3850 dated 11-04-1992.
- (iii) That except for revision of Basic Pay as envisaged in Staff Circular No. 3850 dated 11-04-1992, no

other benefits such as interest on arrears will be payable to the workman will be available to the workman. In other words, the workman shall not claim any other benefit i.e. interest on arrears.

In light of the agreement arrived at between the parties as above this settlement is filed and verified before the Tribunal, to be treated full and final settlement and the parties undertake not to raise any dispute in future on any matter related to dispute referred to for adjudication.

(SHYAM SUNDER DIXIT)

Joint Secretary

(S. N. MEHRA)

Manager (Personnel)

(B. P. SAXENA)

Authorised
representative
(workman)

(GAURAV GUNJAN)

Authorised
representative
(management)